



W.P.(MD)No.20458 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.20458 of 2024

Kaleeswaran

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

3.Raja

4.Ravi

5.Malaichamy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus directing the second
respondent to conduct enquiry and provide the pathway in Survey No.



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31/1G, 1F and 1B to reach main road situated at Moovar Kanmoi Village, Kalaiyarkovil Taluk, Sivagangai District based on the petitioner's representation dated 19.06.2024.

For Petitioner : Mr.M.Ramu
For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R.1 & R.2

ORDER

The above writ petition has been filed for a mandamus seeking a direction to the second respondent to conduct an enquiry and thereafter provide the pathway in S.No.31/1G, 1F and 1B to access the main road situate at Moovar Kanmoi Village, Kalaiyarkovil Taluk, Sivagangai, on the basis of the petitioner's representation dated 19.06.2024.

2. The case of the petitioner is that his father had obtained an assignment patta in Patta No.151 for his house property in S.No.31/1C, Old No.31/1, measuring an extent of 2 ares in the aforesaid village. Respondents 3 and 4 had blocked the pathway to reach this main road.



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The Special Tahsildar had informed the residents, who were assignment holders to use the vacant land to reach the main road. As the pathway was blocked, the petitioner's mother has submitted a representation on 19.06.2024 to the first respondent, which was forwarded to the second respondent for taking further action. However, the second respondent has not taken any action to remove the fencing and restore the public pathway. Therefore, the present writ petition.

3. Heard the learned counsel on either side.

4. Considering the limited request and more particularly when the said pathway is being used allegedly on the instructions of the Special Tahsildar, a mandamus is issued to the second respondent to conduct an enquiry and thereafter, provide the pathway in S.Nos.31/1G, 1F and 1B to access the main road situate at Moovar Kanmoi Village, Kalaiyarkovil Taluk, Sivagangai, within a period of six weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is allowed. No costs.

28.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.



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P.T.ASHA, J.

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