



W.P.(MD) No.20010 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.20010 of 2024

Dharmalingam

... Petitioner

-VS-

- 1.The District Collector/Monitoring Committee,
Madurai District, Madurai.
- 2.The District Revenue Officer,
Madurai District, Madurai.
- 3.The Revenue Divisional Officer,
Melur at Narasingampatti,
Madurai District.
- 4.The Block Development Officer,
Block Development Office,
Melur, Madurai.
- 5.The Tahsildar,
Taluk Office, Melur Taluk,
Madurai District.
- 6.The Panchayat President,
Thaniyamangalam Village Panchayat,
Thaniyamangalam, Melur Taluk,
Madurai District.

7.Suresh

... Respondents



W.P.(MD) No.20010 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 6 to remove the common pathway encroachment made by the seventh respondent in Survey No.173/5A situated at Thenpallam Thenkarai Sreet, Ward No.3, Thaniyamangalam Village & Post, Melur Taluk, Madurai District on the basis of the representation dated 12.06.2023 within stipulated time fixed by this Court.

For Petitioner : Mr.S.K.Muthamil Venthana

For R-1 to R-6 : Mr.P.Thilakkumar,
Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilakkumar, learned Government Pleader takes notice for respondents 1 to 6.

2. This writ petition is filed to issue a Writ of Mandamus to direct the respondents 1 to 6 to remove the common pathway encroachment made by the seventh respondent in Survey No.173/5A situated at Thenpallam Thenkarai Sreet, Ward No.3, Thaniyamangalam Village & Post, Melur Taluk, Madurai District on the basis of the representation, dated 12.06.2023.



W.P.(MD) No.20010 of 2024

3. The petitioner claims that there is an encroachment by the seventh respondent over a public pathway in Survey No.173/5A of Thaniyamangalam Village. The revenue records produced by the petitioner themselves show that Survey No.173/5A is classified as 'ryotwari punjai' and patta stands in the name of the seventh respondent.

4. If at all the petitioner has got any right of pathway over the said property, the same can be adjudicated upon only in a properly constituted civil suit. The proceedings under Article 226 of the Constitution of India, that too, in the form of Public Interest Litigation cannot be entertained to resolve private disputes. Hence, this writ petition is dismissed. It will be open to the petitioner to seek appropriate remedy before the civil Court. No Costs.

[R.S.M., J.]

[L.V.G., J.]

21.08.2027

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

PM



W.P.(MD) No.20010 of 2024

WEB COPY

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and
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