



W.P(MD)No.21636 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.21636 of 2018

and

W.M.P(MD)No.19541 of 2018

S.Velammal

... Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director of Fishery,
Fishery Office, Sangu,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Tahsildar Office, Rameswaram.

4.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the second respondent to remove the fence on the eastern side of the petitioner's house to enable the petitioner and other residence of that area to use it as a pathway to approach the sea.

For Petitioner : Mr.C.Jawahar Ravindran

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate



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ORDER

This Writ Petition has been filed for a direction, directing the second respondent to remove the fence on the eastern side of the petitioner's house to enable her to use the said area as a pathway.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner's husband owned a land measuring 20 cents in Rameswaram seashore, Sudukattanpatti comprised in Survey No.121. The petitioner's Village was heavily affected in Sunami and they lost their house. In the year 2007, the Government constructed sunami houses in their patta land and they are continuously residing in the said house. To reach the seashore, the only way is to go through the land which was acquired by the Government. The said land is used by the petitioner as a pathway from their house to the seashore. While being so, the second respondent had fenced the entire area which is used by the petitioner as a pathway. Therefore, the petitioner submitted a representation to the respondents to remove the fencing.



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4. On perusal of the counter-affidavit filed by the second respondent and also the submission made by the learned Government Advocate appearing for the respondents reveal that as per the revenue records, the subject land is not classified as a road. That apart, there is a proper and alternative pathway is very much available to connect her land with the seashore. There is no record to show that the land comprised in Survey Nos.125/2 and 126/1 is a pathway. Therefore, the prayer sought for in this Writ Petition cannot be considered. The Writ Petition is devoid of merits and the same is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

05.11.2024

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



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G.K.ILANTHIRAIYAN, J.

ps

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W.P(MD)No.21636 of 2018

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