



W.P(MD)No.4067 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.4067 of 2017

and

W.M.P(MD)No.3224 of 2017

C.Saminathan

: Petitioner

Vs.

- 1.The District Collector,
Thanjavur District, Thanjavur.
- 2.The Revenue Divisional Officer,
Pattukottai, Thanjavur District.
- 3.The Tahsildar,
Pattukottai Taluk,
Pattukottai, Thanajvur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the second and third respondents from laying the pathway on the petitioner's patta land in Old Survey No.210/1 its corresponding to new Survey No.210/1D and 210/1B part with total extent of 10 cents 4356 sq.ft situated at Soorapallam Village, Pattukottai Taluk, Thanjavur District based on the petitioner's representation, dated 04.01.2017.



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For Petitioner : Mr.N.Madhava Govindan
For Respondents : Mrs.K.Christy Theboral,
Additional Government Pleader.

ORDER

This Writ Petition is filed seeking issuance of Writ of Mandamus, forbearing the second and third respondents from laying the pathway on the petitioner's patta land in Old Survey No.210/1 its corresponding to new Survey No.210/1D and 210/1B part with total extent of 10 cents 4356 sq.ft situated at Soorapallam Village, Pattukottai Taluk, Thanjavur District based on the petitioner's representation, dated 04.01.2017.

2. The learned counsel appearing for the petitioner would submit that since the respondents have been attempting to lay a pathway in the petitioner's land, he was forced to file the above writ petition.

3. The third respondent in the counter statement has specifically stated that the respondents have never put up any such pathway on the petitioner's patta land.

4. It is seen from the records that the petitioner himself has stated that he has filed a suit in O.S.No.17 of 20017 before the District Munsif Court,



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Pattukottai, claiming declaration and injunction against 12 persons and also against the present respondents and that since the respondents 2 and 3 without issuing any notice to the petitioner have been taking steps to put up a pathway, he was forced to approach this Court.

5. The learned Additional Government Pleader appearing for the State would submit that the petitioner as well as other persons have been using the path way situated in S.No.210/1B and as such the petitioner is not entitled to claim separate ownership over that property.

6. Whatever it is, since the third respondent has specifically stated that they have never put up any pathway in the petitioner's land, nothing survives for further adjudication in this writ petition.

7. Recording the submission made by the learned Additional Government Pleader, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

15.04.2024

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



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To

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Thanjavur District, Thanjavur.
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Pattukottai, Thanajvur District.



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K.MURALI SHANKAR, J

DAS

Order made in
W.P(MD)No.4067 of 2017
and
W.M.P(MD)No.3224 of 2017

Dated : 15.04.2024