



W.P(MD)Nos.22322 and 25572 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM :

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

**W.P(MD)Nos.22322 and 25572 of 2024
and
WMP(MD)Nos.21694 and 21695 of 2024**

W.P(MD)No.22322 of 2024:

Malik Mohammed

... Petitioner

VS.

1. The District Collector,
Nagercoil,
Kanyakumari District.

2. The Revenue Divisional Officer,
Thuckalay,
Kanyakumari District.

3. The Tahsildar
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

4. The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.

5. The Executive Officer,
Mulakumoodu Town Panchayat,
Mulakumoodu,



W.P(MD)Nos.22322 and 25572 of 2024

Kanyakumari District.

6. Anwar Sathick

7. Nasar

8. Sathick

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the obstruction made by the respondents 6 to 8 put up by an iron sheet with iron pillar along the western boundaries of the petitioner's house situated in S.No. 84/10B of Mulakumoodu Village, Azhkiamandapam, Mulakumoodu Town Panchayat, Mulakumoodu Post, Kanyakumari District, within the time stipulated by this Court.

For Petitioner	: Mr.G.Ramanathan
For R1 to R3	: Mr.S.R.A.Ramachandran
	Additional Government Pleader
For R6 & R7	: Mr.R.Subramanian for
	Mr.M.Saravanan
For R8	: Mr.A.Robinson

W.P(MD)No.25572 of 2024:

Anwar Sadiq

... Petitioner

vs.

1. The Director of Town Panchayats,
Urban Administrative Building,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai-600 028.

2. The District Collector,
Kanyakumari District at Nagercoil.



W.P(MD)Nos.22322 and 25572 of 2024

3. The Assistant Director of Town Panchayats,
Nagercoil, Kanyakumari District.

4. Mulagumoodu Grade I Town Panchayat,
Rep. by its Executive Officer,
Mulagumoodu, Kanyakumari District.

5. Prathaban
Executive Officer,
Mulagumoodu Grade I Town Panchayat,
Mulagumoodu, Kanyakumari District.

6. The President,
Mulagumoodu Grade I Town Panchayat,
Mulagumoodu, Kanyakumari District.

7. Malik Mohammed

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned orders passed by the 4th respondent in Na.Ka.No.A1/467/2024, dated 09.09.2024 and Na.Ka.No.A1/467/2024 dated 14.10.2024 and quash the same.

For Petitioner : Mr.R.Subramanian for
Mr.M.Saravanan
For R1 to R3 : Mr.S.R.A.Ramachandran
Additional Government Pleader

COMMON ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

W.P(MD)No.22322 of 2024 has been filed by the petitioner seeking a
Mandamus, directing removal of encroachment / obstruction put up by the



respondents 6 to 8 on the alleged street that abuts his house thereby restricting his access to the street.

2. W.P(MD)No.25572 of 2024 has been filed challenging the order passed by the Executive Officer of Mulagumoodu Grade I Town Panchayat directing the respondents 6 to 8 in W.P(MD)No.22322 of 2024 to remove the obstruction put up by them.

3. Both the writ petitions relate to the same pathway. While the petitioner in W.P(MD)No.22322 of 2024 would claim that the pathway belongs to the Town Panchayat, the petitioner in W.P(MD)No.25572 of 2024 would claim that it belongs to him and two other owners of property in the same survey number absolutely as a common pathway between them. Reliance is placed on the sale deeds executed on 13.07.2006 to contend that they have purchased the pathway also.

4. To a specific query as to whether this land is shown as road in the revenue record, Mr.SRA.Ramachandran, learned Additional Government Pleader would fairly state that there is no such record available. He would only rely upon a road / street register, wherein, it is stated that there is a road by name, Azhakiyamandabam Road Museleem Street 1.



W.P(MD)Nos.22322 and 25572 of 2024

5. Copy of the said register has been placed before us. There is no survey number in the said register. Therefore, we are unable to correlate the road mentioned therein with the pathway that is claimed by the petitioner in W.P(MD)No.25572 of 2024. In these circumstances, we do not think a Mandamus as sought for in W.P(MD)No.22322 of 2024 can be granted. Therefore, W.P(MD)No.22322 of 2024 is dismissed. It will be open to the petitioner therein to establish his right of way over the said passage before a competent Civil Court in accordance with law.

6. As regards W.P(MD)No.25572 of 2024 is concerned, the same will stand allowed and the impugned proceedings of the 4th respondent Town Panchayat in Na.Ka.No.A1/467/2024, dated 09.09.2024 and Na.Ka.No.A1/467/2024 dated 14.10.2024 will stand quashed. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.M, J.) (L.V.G, J.)
23.10.2024

Index : Yes / No
Neutral Citation : Yes / No
bala



W.P(MD)Nos.22322 and 25572 of 2024

To

1. The District Collector,
Nagercoil,
Kanyakumari District.

2. The Revenue Divisional Officer,
Thuckalay,
Kanyakumari District.

3. The Tahsildar
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

4. The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.

5. The Executive Officer,
Mulakumoodu Town Panchayat,
Mulakumoodu,
Kanyakumari District.

6. The Director of Town Panchayats,
Urban Administrative Building,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai-600 028.

7. The Assistant Director of Town Panchayats,
Nagercoil,
Kanyakumari District.

8. The President,
Mulagumoodu Grade I Town Panchayat,
Mulagumoodu,
Kanyakumari District.



WEB COPY



W.P(MD)Nos.22322 and 25572 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

bala

COMMON ORDER MADE IN
W.P(MD)Nos.22322 and 25572 of 2024
DATED : 23.10.2024