



W.P.(MD) No.25218 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.25218 of 2023

and

W.M.P.(MD)No.21406 of 2023

K.M.Velu

... Petitioner

-Vs-

- 1.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
Tahsildar Office,
Keelakarai,
Ramanathapuram District.



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5.The President,
Chinnadivalasai Panchayat,
Thirupullani Union,
Putukoil Post, Keelakarai Taluk,
Ramanathapuram District.

... 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 consider the petitioner's representation dated 20.09.2023 and consequently directing the respondents 1 to 5 to remove the fencing put up by the 6th to 9th respondents in Vannangundu S.No.48/2A1, 48/2A2 and 48/8A of Thirupullani inner circle, Keelakarai Taluk, Ramanathapuram District, so as to enable both village peoples to use the public pathway to take their dead body and reached the Vairavar Samy Temple and the general public residing at Arunthathiyar colony of Pathiratharvai Village Panchayat, used to take their school and college going students through this pathway to reach the Kumarapuram bus stop within the time stipulated by this Court.

For Petitioner : Mr.K.Mahendran
For R1 to R5 : Mr.P.Thilakumar
Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The petitioner has filed this writ petition to direct the respondents 1 to 5 to remove the fencing put up by the respondents 6 to 9 in Vannangundu S.No.



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48/2A1, 48/2A2 and 48/8A of Thirupullani inner circle, Keelakarai Taluk, Ramanathapuram District by considering the representation of the petitioner dated 20.09.2023.

2. According to the petitioner the subject mentioned properties are classified as pathway in the revenue records. The said pathway is used by Kumarapuram village people for more than four decades. All of a sudden, the private respondents herein, who are the adjacent land owners, had put up the fence at the starting and ending point of the public pathway preventing the village people from using the said pathway. Therefore, the village people sent a representation to the fourth respondent on 20.09.2023. But the same is pending without consideration.

3. The learned Government Pleader filed counter affidavit stating that considering the representation of the petitioner, the fourth respondent conducted an enquiry. The enquiry reveals that the public pathway is in existence for more than 40 years. FMB sketch and the Village map show that the land in question is the public pathway. But the sixth respondent claims that the land in Survey No. 48/2A1 and 48/2A2 is his patta land. In this regard, the fourth respondent relied



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upon the Revenue Standing Order 26(15), in which it has been stated that a plan-marked channel or pathway running in a patta land is a Government land. In light of the Revenue Standing Order, the fourth respondent removed the encroachments made in the public pathway by the sixth respondent. The other private respondents are yet to remove the encroachments in the public pathway.

4.Considering the aforesaid submissions, we direct the fourth respondent to take necessary steps for removal of encroachment made in the public pathway after providing an opportunity of hearing to the private respondents as well as any other interested parties. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
13.03.2024

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

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