



WP(MD)No.17925 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17925 of 2017

M.Ponkumaran

.. Petitioner

v.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Tahsildar,
Thiruchendur Taluk,
Thiruchendur,
Thoothukudi District.

3.The Block Development Officer,
Thiruchendur Town Panchayat,
Thiruchendur,
Thoothukudi District.

4.The Executive Officer,
Thiruchendur Town Panchayat,
Thiruchendur,
Thoothukudi District.

5.Murugesan



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6.Vetrivel

7.Jeyabal

8.Ganesan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the wall put up across the Bharathiyar Panchayat Road situated at Bharathiyar Nagar, Thiruchendur, Thoothukudi District.

For Petitioner : Mr.R.Murugappan

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R.1 to R.4

No appearance
for R.5 to R.8

ORDER

The petitioner, with a grievance that the respondents 5 to 8 have put up a wall across the public street, submitted a representation and has filed this writ petition.



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WEB COP 2. Learned Special Government Pleader, on instructions, submitted that for the very same relief the petitioner has moved yet another writ petition in WP(MD)No.19597 of 2018.

3.The Division Bench of this Court, in the said writ petition, after referring to the pendency of this present writ petition, by order dated 09.09.2019, has dismissed WP(MD)No.19597 of 2018, in the following terms:-

“3.The case of the petitioner is that the representation given by the petitioner on 09.09.2017 was not considered and therefore, the petitioner has approached this Court and filed W.P.(MD) No.17925 of 2017, to direct the respondents to remove the wall put up across a pathway, which according to the petitioner is a public pathway. The said writ petition was pending. In the meanwhile, the petitioner filed another writ petition in W.P.(MD) No.19109 of 2017, seeking to quash the proceedings of the Assistant Engineer, TANGEDCO and to direct him to grant new electricity connection to his house and the electricity connection was granted to him. Based on the order passed by this Court in W.P.(MD) No.21319 of 2017, the second respondent Tahsildar,



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Thiruchendur has conducted survey of the land in question and passed an order in no uncertain terms stating that the claim of the petitioner that there is a public pathway is not correct and that is a patta land and challenging the same, the petitioner has filed this Writ Petition.

4.If the petitioner claims any easementary right over the passage, his remedy is not before this Writ Court. However, one obstacle is the stand taken by the Revenue officials stating that the pathway is in patta land. Therefore, the petitioner cannot claim any relief in a writ petition.

5.In the result, the Writ Petition is dismissed. No costs."

In view of the above position, this writ petition stands dismissed. No costs.

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

05.02.2024

To

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B.PUGALENDHI, J.

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