



W.P.(MD)No.10409 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.10409 of 2025

N.Ramki

... Petitioner

vs.

1.The District Collector,
District Collector Office,
Sivagangai District.

2.The District Revenue Officer,
District Revenue Office, Sivagangai District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai District.

4.The Tahsildar,
Taluk Office, Ilayankudi,
Sivagangai District.

5.The Block Development Officer,
Block Development Office,
Ilayankudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to earmark the pathway of petitioner's community burial ground situated in Salaigramam Revenue Village comprising in Survey No. 289/8 by considering the petitioner's representation dated 27.03.2025.



WEB COPY



W.P.(MD)No.10409 of 2025

For Petitioner :Mr.A.Karthigaivel
For Respondents :Mr.G.Suriyananth
Additional Government Pleader

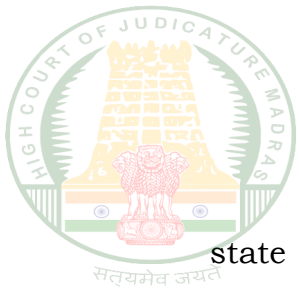
ORDER

The petitioner seeks for the following relief:-

“Writ of Mandamus, directing the respondents to earmark the pathway of petitioner's community burial ground situated in Salaigramam Revenue Village comprising in Survey No. 289/8 by considering the petitioner's representation dated 27.03.2025.”

2.The petitioner states that he belongs to a community known as Andipandaram. The said community was benefited with 20 cents of land by the erstwhile Raja of Ramnad. He pleads that the pathway to the said burial ground runs over a private property. As he fears obstruction, he gave a representation requesting the allotment of the pathway that has been in use by the members of the petitioner's community to access the burial ground. As the same was not considered, he has come forward with the present writ petition.

3.Mr.G.Suriyananth, learned Additional Government Pleader, who took notice for the respondents, has produced instructions to



W.P.(MD)No.10409 of 2025

state that the access to the burial ground runs over the private land and that the Government is not in a position to lay a road, as the land does not belong to it.

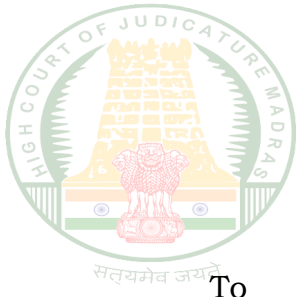
4. When the land belongs to private parties, there cannot be a Mandamus, directing the Government to lay the road over the same without acquisition.

5. Mr. A. Karthigaivel pleads that the petitioner is willing to pay for the pathway. It is for the petitioner to approach the private parties and seek alienation of a portion of their land for the purpose of creating a pathway. There cannot be a Mandamus to usurp the lands of a private party and create a pathway or a direction to the Government to exercise its power of eminent domain.

6. Accordingly, the Writ Petition stands dismissed. No costs.

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

15.04.2025



W.P.(MD)No.10409 of 2025

To
WEB COPY

- 1.The District Collector,
District Collector Office,
Sivagangai District.
- 2.The District Revenue Officer,
District Revenue Office, Sivagangai District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai District.
- 4.The Tahsildar,
Taluk Office, Ilayankudi,
Sivagangai District.
- 5.The Block Development Officer,
Block Development Office,
Ilayankudi,
Sivagangai District.



WEB COPY



W.P.(MD)No.10409 of 2025

V. LAKSHMINARAYANAN, J.

mm

W.P.(MD)No.10409 of 2025

15.04.2025