



WP(MD). No.2794 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 30/01/2026

CORAM

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

**WP(MD). No.2794 of 2024
and WMP(MD) No.2791 of 2024**

Thirupathy

... Petitioner

Vs

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The District Revenue Officer,
Thanjavur District,
Thanjavur.

3. The Tahsildar,
Pattukottai Taluk,
Thanjavur District.

4. The Block Development Officer,
Peravurani Panchayat Union,
Peravurani @ Aavanam,
Pattukottai Taluk,
Thanjavur District.

5. The President,
Ottankadu Panchayat Union,
Pattukottai Taluk,
Thanjavur District.

... Respondents



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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus seeking direction against the respondents and their subordinates from interfering with the petitioners peaceful possession and enjoyment of the properties situated in Thanjavur District Pattukottai Taluk, Ottankadu Panchayat Union, Ottankadu Ukkadai Village, bearing S.Nos. 233/13C1- Ac.0.04, S.No. 233/13C2-Ac.0.25, 235/3A and 235/3B --- Ac.0.37.

For Petitioner : Mr.D.Baskar
For Respondents : Mr.A.Oliraja
Government Advocate for R1 to R3

ORDER

This writ petition has been filed for a mandamus to direct the respondents and their subordinates from interfering with the petitioner's peaceful possession and enjoyment of the properties situated in Thanjavur District Pattukottai Taluk, Ottankadu Panchayat Union, Ottankadu Ukkadai Village, bearing S.Nos. 233/13C1- Ac.0.04, S.No. 233/13C2-Ac.0.25, 235/3A and 235/3B --- Ac.0.37.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3.



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3. The learned counsel for the petitioner would submit that the petitioner's father purchased the land in question in the year 1979 and since then he is in possession and enjoyment of the same. After the death of the petitioner in the year 1994, the properties devolved upon the petitioner. While so, under the pretext that nilaviyal pathai situated in the said land, some third parties are interfering with his peaceful possession and enjoyment. However, the learned counsel would submit that there is no nilaviyal pathai in the said land and prays for appropriate directions.

4. Per contra, the learned Government Advocate by referring to the 'A' Register would submit that the land has been described as Nilaviyal Pathai. By referring to Column No.11 of the A register, wherein, the father's name of the petitioner, namely, Pitchai Mari Konar finds place, he would submit that in the patta land, nilaviyal pathai is situated and hence, the petitioner has no right over the said nilaviyal pathai and now, all the general public are using the said nilaviyal pathai.



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4. Considering the said submission made, it is seen that in the A Register itself, the land in question is referred to as Nilaviyal Pathai. From the proceedings of the 4th respondent dated 30.01.2026, it is seen that in the year 2022-23, as per the Chief Minister's Village Road Development Scheme, road has been laid in the said Nilaviyal pathway and the general public are using the said road. Therefore, the question of claiming exclusive right will not come into play. A perusal of the 'A' Register, would clearly establish that the said land is Nilaviyal Pathai. If the petitioner intends to establish his case that it is not a nilaviyal pathai, it is open to the petitioner to approach the appropriate civil Court to establish their case and obtain appropriate declaration, if he is so advised. When the fact remains that as on date, the land is classified as nilaviyal pathai, no writ of mandamus can be issued as prayed for. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

30.01.2026

NCC : Yes/No
Index : Yes/No
RR



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KRISHNAN RAMASAMY, J

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