

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:04.01.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND

THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

W.P.No.90 of 2018

N.Arumugam

.. Petitioner

Vs.

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The District Revenue Officer,
O/o.District Collectorate,
Tiruvannamalai District,
Tiruvannamalai.

3. The Revenue Divisional Officer,
O/o. District Collectorate,
Tiruvannamalai District,
Tiruvannamalai.

4. The Tahsildar,
Kizhpennattur Taluk,
Tiruvannamalai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to restore the common path (cart track) in the size of six Meter breadth and one seventy eight meter length in the above land situated in the land in S.No.63/1, Vedanthavadi Village, Kizhpennathur Taluk, Tiruvannamalai District by considering the representation made by the petitioner on 24.08.2017 within the time to be stipulated by this Court.

For Petitioner

: Mr.R.Chandrasekaran

For Respondents

: Mr.A.N.Thambidurai
Special Government Pleader

O R D E R
[Order of the Court was made by S.VAIDYANATHAN J.]

The petitioner has come forward with this Writ Petition to direct the respondents to restore the common path (cart track) measuring six meters breadth and one seventy eight meters length in the land situated in S.No.63/1, Vedanthavadi Village, Kizhpennathur Taluk, Tiruvannamalai District, by considering his representation dated 24.08.2017.

2.The case of the petitioner is that the common pathway viz., the cart track in the size of 6 meters breadth and 178 meters length in the land situated in S.No.63/1, Vedanthavadi Village, Kizhpennathur Taluk, Thiruvannamalai District has got to be restored. Admittedly, the petitioner has not made aggrieved persons likely to be affected as parties as they will also have to be heard. In the affidavit, in paragraph 8, it has been stated that patta issued with regard to the cart track in S.No.63/1 has got to be cancelled.

3.At the time of argument, the learned counsel for the petitioner submitted that the petitioner is not interested in cancelling the patta issued, but, however, the pathway has got to be restored.

4.In view of the above, the relief sought for by the petitioner, as such, cannot be granted. However, it is open to the respondents/ authorities concerned to measure the land in question (with the assistance of a Government Surveyor), in the presence of the petitioner and other private parties, who are likely to be affected, and ascertain as to whether there is a cart track or not. The petitioner will have to pay the necessary charges for surveying the land. If the dispute is between two private parties, it is open to the petitioner to approach the appropriate civil forum.

5.With the above observations, the Writ Petition stands disposed of. No costs.

s/d-
Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

Sgl

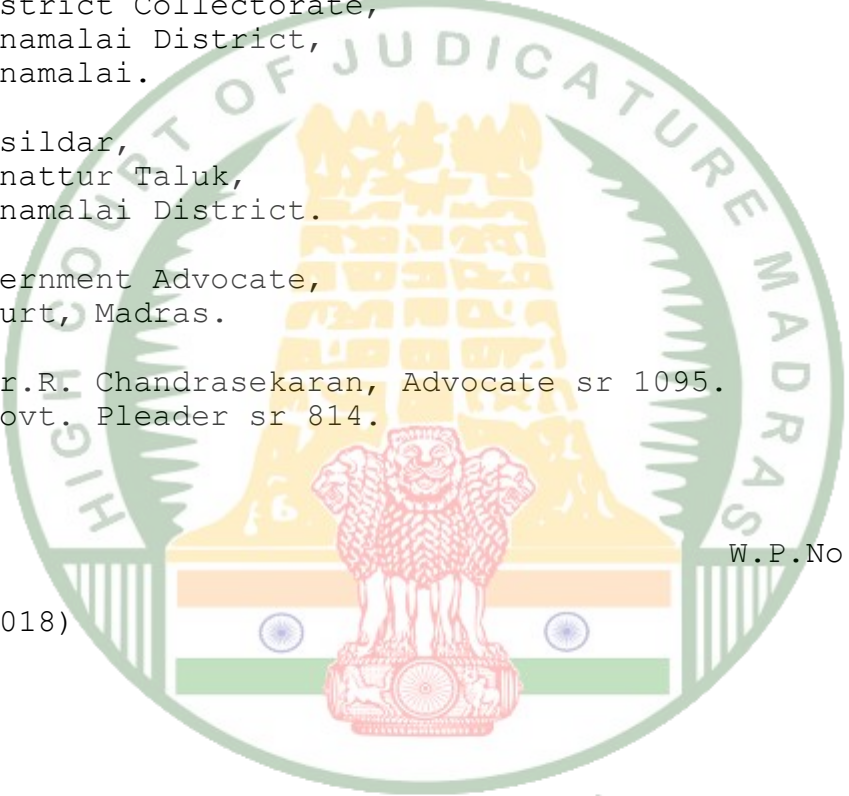
To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamali.
2. The District Revenue Officer,
O/o.District Collectorate,
Tiruvannamalai District,
Tiruvannamalai.
3. The Revenue Divisional Officer,
O/o. District Collectorate,
Tiruvannamalai District,
Tiruvannamalai.
4. The Tahsildar,
Kizhpennattur Taluk,
Tiruvannamalai District.
5. The Government Advocate,
High Court, Madras.

+1 CC to Mr.R. Chandrasekaran, Advocate sr 1095.
+1 cC to Govt. Pleader sr 814.

SP(18/01/2018)

W.P.No.90 of 2018



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