



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.14794 OF 2016

AND

W.M.P.NO.17803 OF 2021

1.J.Shanmugasundaram

2.J.Sadasivam

...Petitioners

Vs

1.The District Collector,
Villupuram.

2.The Thasildhar,
Villupuram.

3.The Block Development Officer,
Kanai Block,
Kanai,
Villupuram Taluk.

4.L.Sharmila

5.R.Vijaya Lakshmi

6.S.Nirmala

7.Sundaravaradapandian

8.Elumalai

...Respondents

[R-4 to R-8 impleaded vide Court order dated 30.11.2021
in W.M.P.No.17803 of 2021 in W.P.No.14794 of 2016]

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to include the name of the petitioners in Column No.12 in Natham Adangal Register for Konur Village, Villupuram Taluk in respect of Survey No.96/4B -97 sq.mts and also not to give any approval for development to any one by showing the above said Survey Numbers as road.

For Petitioners : Mr.N.Suresh

For Respondents : Mr.A.Selvendran
Special Government Pleader
(for R-1 to R-3)

: Mr.M.Jagadeesan (for R-4 to R-8)



O R D E R

This Writ Petition is filed to issue a Writ of Mandamus, directing the respondents 1 and 2 to include the name of the petitioners in Column No.12 in Natham Adangal Register of Konur Village, Villupuram Taluk in respect of Survey No.96/4B -97 sq.mts and also not to give any approval for development to any one by showing the above said Survey Numbers as road.

2. The land comprised in Survey No.96/4 ad-measuring an extent of 15 cents, situated at Konur Village, Villupuram Taluk, belonged to the petitioners' father. The portion in front side of his house, nearly 2 ½ cents comprised in S.No.96/4, is being used by them as private pathway to the house property. According to the petitioners, the said property cannot be construed as a road. In the Natham Adangal Register, the said survey No.96/4 has been sub-divided as Survey Nos.96/4A and 96/4B and the entry in respect of S.No.96/4B has been endorsed as "Nilaviyal Pathai". Therefore, the petitioners made request to include the petitioners' name in the Natham Adangal Register in respect of the property comprised in S.No.96/4B ad-measuring 97 sq.mts. They also sought for direction not to give any approval for development to any one by showing the said "Nilaviyal Pathai" as road. While pending the Writ Petition, the petitioners in W.M.P.No.17803 of 2021 filed a petition to implead themselves as respondents 4 to 8 to object the prayer of the Writ Petition.

3. The learned counsel for the implead petitioners/proposed respondents 4 to 8 in W.M.P.No.17803 of 2021 submitted that the property comprised in S.No.96/4B has been entered in the "A" Register as "Nilaviyal Pathai". The Revenue Authority has maintained the records properly and there is no violation of sub-division made by them. The sub-division was made as early as before UDR in the year 1983 and the road is used by the people from their forefathers. However, the Writ Petitioners objected, claiming that the said road belonged to them as private pathway. Therefore, the claim of the petitioners is illegal and unreasonable.

4. Considering the reasons stated in the affidavit, the petitioners in W.M.P.No.17803 of 2021 are impleaded as respondents 4 to 8. Hence, this Miscellaneous Petition is allowed.

5. Considering the above facts and circumstances of this case, the petitioners are directed to make a representation before the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to conduct enquiry, after issuance of notice to the petitioners, respondents 4 to 8



and other general public using the said Nilaviyal Pathai as pathway and after giving opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks thereafter. It is made clear that till the disposal of the said representation, the petitioners shall not disturb the usage of the said pathway by the general public comprised in S.No.96/4B ad-measuring 97 sq.mts.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Villupuram.

2.The Thasildhar,
Villupuram.

3.The Block Development Officer,
Kanai Block,
Kanai,
Villupuram Taluk.

+1cc to Mr.N.Suresh, Advocate SR.No.62376

+1cc to the Government Pleader SR.No.63034

W.P.No.14794 of 2016

KV(CO)
RVM(05/01/2022)