



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD) .No.20250 of 2021

WEB COPY

Palanichamy

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

4.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

5.The Village Administrative Officer,
Nathikundu Revenue Village,
Kariyapatti Taluk,
Virudhunagar District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent herein to take necessary steps to change the type of land as Natham vacant land as pathway in Survey No.112/37, Nathikundu Revenue Village, Kariyapatti Taluk, Virudhunagar District within the stipulated period.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard, learned Counsel for the petitioner and Mr.Gandhiraj, learned Special Government Pleader, who takes notice on behalf of the respondents.



2.The writ petition has been filed in the nature of Mandamus seeking a direction to the third respondent/Revenue Divisional Officer, Aruppukottai, Virudhunagar District, to take necessary steps to change the type of land from Natham vacant land as pathway in Survey No.112/37 in Nathikundu Revenue Village, Kariyapatti Taluk, Virudhunagar District.

3.The petitioner is residing at 2/212, Keelathulukankulam Village, Kariyapatti Taluk, Virudhunagar District. It is claimed by the petitioner that he and his family members and as a matter of fact all the villagers, use the Natham vacant land in Survey No.112/37 for going across to the various places wherever they want to go. This is a Natham vacant land and Government is the predominant owner of the said land who can exercise control over the said land and also had the discretionary control to put to use that particular land in any manner as the Government determined.

4.The petitioner by this writ petition seeks that the classification of the said land be changed as pathway. This is an issue which is entirely within the domain of decision taking by the Government authorities and certainly this Court, cannot direct the particular piece of land to be classified as pathway or classified as Natham vacant land or in any other manner. The Revenue Authorities will have to apply their mind and make such classification in accordance with the requirements of the Government and also take into consideration the requirements of the general public in the said area.

5.As on date, the petitioner and his family members use the said land to go their house. As on date, this Court finds no reason to issue any Mandamus. As on date, there is no objection to the petitioner from using the said land, as pathway. Let the matters rest.

6.With the said observations, no further orders are required. The writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

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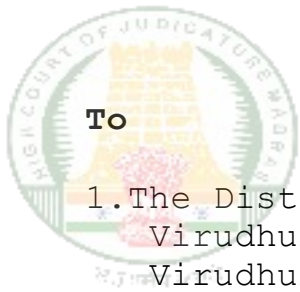
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Sub Assistant Registrar(CS)

sn/lr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Virudhunagar District,
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4.The Tahsildar,
Kariyapatti Taluk,
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5.The Village Administrative Officer,
Nathikundu Revenue Village,
Kariyapatti Taluk, Virudhunagar District.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-36321[F] dated
29/11/2021)

W.P (MD) .No.20250 of 2021
26.11.2021

RK(08/12/2021) 3P 7C