



W.P.No.26302 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26302 of 2015

P.Vadivel

... Petitioner

Vs.

- 1.The District Collector,
Salem District.
- 2.The District Surveyor,
Salem District.
- 3.The Revenue Divisional Officer,
Attur.
- 4.The Tahsildar,
Attur Taluk and Post,
Salem District.
- 5.The Head Surveyor,
Attur Taluk and Post,
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating the order dated 25.06.2015 made in Na.Ka.No.6528/2015/C1 passed by the fifth respondent and quash the same.



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For Petitioner : Ms.V.Srimathi
For Respondents : Mr.G.Velu
Additional Government Pleader

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ORDER

This writ petition has been filed seeking issuance of Writ of Certiorari calling for the records relating the order dated 25.06.2015 made in Na.Ka.No.6528/2015/C1 passed by the fifth respondent and quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property in S.Nos.382/5A and 382/5B situated in Alagapuram Village, Attur Taluk, Salem District and he acquired the property by way of registered partition deed dated 29.03.1996. There is no pathway in the said property, however, when the petitioner applied for FMB plan for his personal work, he found that a pathway was wrongly mentioned in the FMB plan and hence he made representation to the respondents to rectify the mistake in the FMB plan and since the same was not considered, the petitioner filed W.P.No.11471 of 2015 seeking direction to the third respondent therein to consider and dispose of his representation and pursuant to the order passed in the said writ petition, the present impugned order was passed.



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3.The learned counsel appearing for the petitioner further submitted that there is no pathway in the said property, however, the respondents without following the direction issued by this Court mechanically measured the property and found the pathway, which is the error committed by the respondents. The learned counsel further submitted that even the partition deed did not reveal anything with regard to the pathway as mentioned in the FMB plan. Accordingly, prayed to allow the writ petition.

4.Heard both sides and perused the materials available on record.

5.The petitioner claims that he is the owner of the property in S.Nos.382/5A and 382/5B situated in Alagapuram Village, Attur Taluk, Salem District and that there is no pathway in the said property, however, in the FMB plan a pathway was wrongly mentioned and hence he made representation to the respondents to rectify the mistake in the FMB plan and since the same was not considered, the petitioner filed W.P.No.11471 of 2015 and this Court vide order dated 21.04.2015 issued direction to the third respondent therein to consider



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and dispose of the petitioner's representation within a time frame, pursuant to which, the present impugned order was passed.

6. Whether the pathway mentioned in the FMB plan exists or not can be adjudicated only before the competent Civil Court on the basis of the documents and not in the writ petition under Article 226 of the Constitution of India. Liberty is granted to the petitioner to file civil suit before the competent Civil Court and to canvass all the points before the competent Civil Court. The period during which the writ petition was pending before this Court is excluded for the purpose of limitation so as to enable the petitioner to file civil suit. The order impugned in this writ petition is subject to the result of the civil suit to be filed by the petitioner.

7. With the above observations and directions, the writ petition is disposed of. No costs.

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Index: Yes/ No

Speaking Order: Yes/ No

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NCC: Yes/ No

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M.DHANDAPANI,J.
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