



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10104 of 2021

&

W.M.P.No.10735 of 2021

M.Thirunavakarasu

... Petitioner

Vs

1. The District Collector
Collectorate
Salem District.
2. The Tahsildar
Taluk Office,
Thalaivasal Taluk
Salem District.
3. The Inspector of Police,
Gangavalli Police Station,
Salem District.
4. The Head Surveyor,
Taluk Office,
Thalaivasal Taluk,
Salem District.

... Respondents

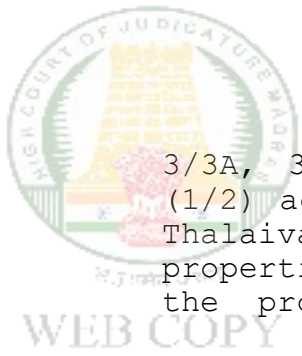
Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents forming any road in the petitioner's property which is situated in survey numbers 3/1A, 3/1B, 3/2A, 3/2B, 3/3A, 3/3B, 3/4A, 3/4B, 3/4C, 3/5, totally admeasure 6.13(1/2) acres of Agricultural land which is situated in punalvasal Village, Thalaivasal Taluk, Salem District without following due process of law and further or other suitable orders.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

The petitioner apprehends that the respondents inspected his patta land comprised in Survey Nos. 3/1A, 3/1B, 3/2A, 3/2B,



3/3A, 3/3B, 3/4A, 3/4B, 3/4C, 3/5, totally ad measuring 6.13 (1/2) acres of Agricultural Land situated at Punalvasal Village, Thalaivasal Taluk, Salem District and in the middle of the said properties, they proposed to lay a road without following any of the procedures as contemplated under Law.

2. On perusal counter filed by the second respondent revealed that the petitioner is the owner of the property comprised in Survey Nos. 3/1A, 3/1B, 3/2A, 3/2B, 3/3A, 3/3B, 3/4A, 3/4B, 3/4C, 3/5, totally ad measuring 6.13(1/2) acres of Agricultural Land situated at Punalvasal Village, Thalaivasal Taluk, Salem District. Out of the said lands, the land comprised in Survey No.3/3A ad measuring 0.01.5 hectares and land comprised in survey No.3/4B hectares ad measuring 0.04.5 hectares are used as pathways and mentioned as Geological Path (Nilaviyal Pathai) in Village Accounts and also marked in FMB itself. These pathways are in continuity with other pathways running on the other patta lands of different people. The pathways indicated are being used by the general public to reach their fields and it is a common pathway used by the land owners and public in general. However, there is no proposal by the respondents to form any road on the petitioner's property.

3. Recording the said counter, the writ petition is disposed of with a direction, if the respondents are proposed to lay any road in the petitioner's patta land, they are directed to follow the procedures as contemplated under Law. Consequently, connected writ miscellaneous petition is also closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nst/rkp

To

1. The District Collector
Collectorate
Salem District.
2. The Tahsildar
Taluk Office,
Thalaivasal Taluk
Salem Distict.



3. The Inspector of Police,
Gangavalli Police Station,
Salem District.

4. The Head Surveyor,
Taluk Office,
Thalaivasal Taluk,
Salem District.

+1cc to the Government Pleader, S.R.No.2772

W.P.No.10104 of 2021&
W.M.P.No.10735 of 2021

SS(CO)
CT 09/03/2022