



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM

THE HON'BLE Mr. JUSTICE M.GOVINDARAJ

W.P.No.31857 of 2014 &
M.P.No.1 of 2014

Kovai District Senguntha Weavers' Team,
represented by the District President
Kulathur M.Velumani
2/192, Kulathur Venkittapuram Post,
Coimbatore.

...Petitioner

Vs.

1. The District Collector,
Coimbatore District, Coimbatore.
2. The District Revenue Officer,
Palladam Taluk, Coimbatore District.
3. The Revenue Divisional Officer,
Coimbatore, Coimbatore District.
4. The Tahsildhar,
Sulur Taluk, Coimbatore District.
5. The Inspector General of Police,
Coimbatore Range, Coimbatore.
6. The Superintendent of Police,
Coimbatore, Coimbatore District.
7. The Inspector of Police,
Sulur Police Station,
Sulur, Coimbatore District.
8. P.Selvakumar



9. T.R.Rajasegaran

[R9 Impleaded vide Order dated 25.03.2022

made in WMP.No.6936/2022 in W.P.No.

31857 of 2014 by MGRJ

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus directing the respondents herein to restrain the 8th respondent herein from further laying roads in the Pavadi lands situated in Survey No.912/14, Adhinarayanapuram Natham, Neelambur Village, Sulur Taluk, measuring about 3250 sq.m. And remove the roads already laid by him.

For Petitioner : Mr.G.Karthikeyan

For Respondents : Mr.T.Venkatesh Kumar,
Spl. Government Pleader - R1 to R7

Mr.P.Gurusamy - R8

Mr.E.J.Ayyappan - R9

O R D E R

The petitioners are group of weavers. According to them, there were more than 200 families who were using 70 cents of land in Survey No.391/part 3 [Old Survey No.213 part] as Pavadi for their weaving activities. According to them, the respondents have attempted to lay road across the land used as Pavadi. This was objected and they have filed a writ petition in W.P.No.20561 of 2008 for retaining the land as Pavadi land measuring to an extent of 3250 sq.mts. This Court by its Order dated 28.02.2022 directed the respondents to keep the said lands as Pavadi while refusing the claim to grant patta in their favour.

2. Now in the present writ petition, a direction is sought for by the petitioners to forbear the private respondent from laying the road in Survey No.912/14 measuring about 3250 sq.mts. The learned counsel for the petitioner would vehemently contend that the weavers are using around 15 cents as Pavadi for decades and suddenly, the 8th respondent is attempting to lay a road for having access to their residential lands, despite the fact that there is an alternative road available for their access.



3. Per contra, the learned counsel appearing for the 8th respondent would submit that the land in present is a natham land with a road and space for Pavadi. He would contend that the only access to the residents of that area is the panchayat road on that side and the land used for Pavadi is still available, which can be used by the petitioner. Since, the road was laid by the panchayat on the natham land, the petitioner cannot maintain the claim to put it to use as pavadi.

4. The learned Government Pleader appearing for the respondents 1 to 7 would submit that it is a natham land and the local body has laid thar road which has been sanctioned by the Government. Hence, there is no interference by the respondents for using the land as "Pavadi."

5. From the Order in W.P.No.20561 of 2008 dated 28.02.2022, it is noted that all communal lands which were allotted to a particular community for keeping their profession alive, cannot be allocated for any other purpose and it should be maintained as community land for lung space and also patta for the said community land cannot be granted in favour of any of the individuals. From the above findings, it is to be noted that a part of the disputed land was used as Pavadi by the weaver community and in such a way it is a communal land of the village. It is well settled that any site in a village cannot be taken away without following due process of law. In other words for taking over that land, the authority shall acquire the land as per the Land Acquisition Act. Admittedly, road has already been laid and there is no clear distinction between the land allotted for the purpose of road and for Pavadi. The learned counsel for the 8th respondent would categorically contend with supporting the photographs, that there exists Pavadi on the side of the road. This fact has not been disputed by any body.

6. It is also well settled that in respect of a village site or community land, authorities shall not convert the land without conducting public enquiry and giving an opportunity to the user of that land. Further, as per RSO 21[6] the power is vested with the Government to convert any communal land or natham land or housing site. This Court by its Order dated 28.02.2022 has categorically held that patta shall not be given for Pavadi lands. It is reiterated that the communal lands shall not be converted without following the due procedure and put it to use or for grant of patta. Therefore, from the unassialble evidence, there exist Pavadi land/village site as



Pavadi and the same shall not be converted without following due procedure of law.

7. With these observations, the writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Coimbatore District, Coimbatore.
2. The District Revenue Officer,
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6. The Superintendent of Police,
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7. The Inspector of Police,
Sulur Police Station,
Sulur, Coimbatore District.

+1 CC to The Government Pleader sr 22247
+1 CC to Mr.E.J.Ayyappan, Advocate sr 21626
+1 CC to Mr.P.Gurusamy, Advocate sr 21848
+1 CC to Mr.G.Karthikeyan, Advocate sr 21535.

W.P.No.31857 of 2014

PA(CO)
SP(30/05/2022)