



W.P.(MD).No.21204 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.21204 of 2014

and

M.P.(MD)No.1 of 2014

- 1.A.Venkatachalam (Died)
- 2.V.Vasanth
- 3.V.Madheswaran
- 4.V.Mahendran

... Petitioners

(P2 to P4 are substituted, vide Court order, dated 11.08.2022, in W.M.P.(MD) No.13049 of 2022 in W.P.(MD)No. 21204 of 2014)

Vs.

- 1.The District Collector,
Trichirappalli District.
- 2.The District Revenue Officer,
Office of District Revenue Officer,
Trichirappalli District.
- 3.The Revenue Divisional Officer,
Musiri,
Trichirappalli District.
- 4.The Tahsildar,
Musiri,
Trichirappalli District.



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5.The Village Administrative Officer,
Vengaimandalam Village,
Moovanur Post, Musiri Taluk,
Trichirappalli District.

6.The Sub-Inspector of Police,
Pulivalam Police Station,
Trichirappalli District.

7.P.Nagarajan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation, dated 10.12.2014 and consequently, to forbear the respondents 4 to 6 from interfering with his peaceful possession and enjoyment of the agricultural land and laying any road or pathway through the agricultural land in survey Nos.245/1A, 244/1 and 243/12A at Vengaimandalam Village and survey No.557/2C, 557/2A2 and 557/2B situated at border of Thiruthiyamalai Village, Musiri Taluk, Trichirappalli District.

For Petitioners	: Mr.D.Shanmugaraja Sethupathi
For R1 to R6	: Mr.P.Thambidurai Government Advocate
For R7	: Mr.A.George Stephen Kanikkai

ORDER

The present writ petition has been filed seeking a Mandamus, directing the respondents 1 to 3 to consider the representation of the



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petitioner, dated 10.12.2004 and forbear respondents 4 to 6 from interfering with his peaceful possession and enjoyment of his agricultural land in certain survey numbers.

2. According to the learned counsel for the petitioner, the survey numbers in dispute are his private patta land. The official respondents 5 and 6 are attempting to disturb his possession at the instance of 7th respondent herein. According to the writ petitioner, the 7th respondent is claiming a right of pathway over the private property of the writ petitioner. The 4th respondent herein has filed a counter and paragraph Nos. 4 and 5 are extracted as follows:

“4. I submit that the suit lands are patta lands; not a promboke land. There is no rights for others to claim as path way in the patta land of Thiru. Venkatachalam S/o Arunachalam. The petitioner Nagarajan S/o Paraman prayer is illegal one. The 7th Respondent Nagarajan S/o Paraman has alternative pathway is available to reach his land. So the said land has no encroachment hence the 7th Respondents prayer is unadmissible one.



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5. I submit that there is no proposal for laying any pathway in the above Government SF.Nos by Respondents 1 to 3 and 5 Respondent also. The Survey nos. 245/1A, 244/1 and 243/2A at Vengaimandalam village the Survey nos. 557/2C, 2A2, 2B are situated at the border Thiruthiyamalai village, Musiri Talak, Trichirappalli District.

3.In view of the said submission made on the side of the 4th respondent herein, all the disputed survey numbers are patta lands and the 7th respondent cannot make a claim of right of pathway over the said survey numbers. Apart from that, the 4th respondent has also submitted that the 7th respondent is having an alternative pathway to reach his land.

4.The 4th respondent has further submitted that there is no proposal to lay any pathway in the said disputed survey numbers. The above said facts are recorded. In case, if the 7th respondent claims any right of pathway over the private patta land, it is for him to work out his remedy in a competent Civil Court. In view of the counter filed by the 4th respondent no further orders are required.



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5. According to the petitioner, the 5th and 6th respondents are disturbing his peaceful possession, despite the counter filed by the 4th respondent herein. The 5th and 6th respondents are directed not to interfere in the civil dispute.

6. With the above said observation, the writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

11.08.2022

Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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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.

Order made in
W.P.(MD).No.21204 of 2014

11.08.2022