



W.P.(MD) No.21794 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.21794 of 2022

and

W.M.P.(MD)Nos.15957 and 15958 of 2022

M.Ramachandran

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Revenue Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The District Collector,
Theni District, Theni.

3.The District Revenue Officer,
Periyakulam, Theni District.

4.The Revenue Divisional Officer,
Periyakulam, Theni District.

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5.The Tahsildar,
Periyakulam, Theni District.

6.K.S.Singaravelu

7.K.S.Subravelu

8.M.Krishnan

9.B.Jegamohan

10.Mohammed Ibrahim

11.M.Saheera Banu

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to take immediate steps upon the respondents 10 and 11 not to obstruct the cart track in S.No.1497/2 situated at Endapuli Panchayat, Kamatchipuram Village, Periyakulam Taluk, Theni District by putting up any fence or by any other mode for the ingress and egress of the villagers for reaching their farm lands.

For Petitioner : Mr.J.Padhmaavathi Devi

For R1 to R5 : Mr.P.Thilak Kumar,
Government Pleader.

For R6 to R9 : No Appearance

For R10 & R11 : Mr.V.Karthik Raja
for M/s.Ajmal Associates.



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ORDER

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[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in the Writ Petition is for a Mandamus, directing the respondents 1 to 5 to take immediate steps upon the respondents 10 and 11 not to obstruct the cart track in S.No.1497/2 situated at Endapuli Panchayat, Kamatchipuram Village, Periyakulam Taluk, Theni District by putting up any fence or by any other mode, preventing the ingress and egress of the villagers to reach their farm lands.

2.According to the petitioner, the lands comprised in S.Nos.495, 496, 497 and 499 in Endapuli Panchayat, Kamatchipuram Village, Periyakulam Taluk, Theni District belong to the respondents 6 to 11. According to the petitioner, in the said lands, a portion was marked for cart road from the year 1975 by the predecessors in title. Subsequently, the cart road was subdivided as S.Nos.495/2, 496/2, 497/2, 498/2 and 499/2. While so, the respondents 10 and 11 purchased the lands in S.Nos.495/2, 497/3A, 497/3B, 497/3C, 498/2 499/2 and 496/1 in the year 1999 and made a complaint to the revenue authorities that the survey numbers earmarked for cart road are wrongly mentioned and requested to rectify the error crept in UDR Survey as cart road. Thereafter, contending that there is



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no cart road as claimed by the villagers, the respondents 10 and 11 filed a suit in O.S.No.83 of 2019 on the file of the Sub Court, Periyakulam. The 10th respondent also filed W.P.(MD)No.7545 of 2019, seeking a direction to the 3rd respondent herein to rectify the errors crept in UDR Survey as cart road in his property comprised in S.Nos.495/2, 496/2, 497/3C, 498/2, 499/2. The said Writ Petition was dismissed on 05.08.2020, holding that the 10th respondent having not objected to classification of the said property as cart road, has no right to seek for correction of error crept in UDR Survey. Aggrieved by the same, the 10th respondent has filed Writ Appeal in W.A.(MD)No.1579 of 2021 before this Court and the same was also dismissed with liberty to prosecute the suit on merits and in accordance with law.

3.Now, the grievance of the petitioner is that pending suit, the respondents 10 and 11 are obstructing the cart road in question. In this regard, the petitioner has sent a representation dated 05.09.2022 to the 2nd respondent. Since the same has not been considered till date, the present Writ Petition has been filed.

4.Heard the learned counsel for the petitioner, the learned Government Pleader for the respondents 1 to 5 and the learned counsel for the respondents 10 and 11.



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5.The learned counsel for the petitioner would submit that in the written statement filed by the respondents 6 to 9 in the abovesaid suit, it is clearly stated that the suit property is described as cart road in revenue records. It was classified as cart road in the year 1983. Any suit challenging the revenue records has to be filed within three years from the date of entry in the revenue records. However, the suit was filed in the year 2019, hence, the same is barred by limitation. Further, as per the Revenue Standing Order, if any cart road runs in patta lands, it is also to be treated as a Government land. Even in the 'A' register also, the road in question is mentioned as cart road. Therefore, the respondents 10 and 11 have no right to obstruct the road.

6.The learned counsel for the respondents 10 and 11 on the other hand submitted that subject issue is now pending consideration before the Sub Court, Periyakulam in O.S.No.83 of 2019.

7.Considering the submissions made on either side and the fact that in 'A' Register also the road in question is mentioned as cart road, running through the said survey numbers, this Court directs the 2nd respondent to consider the representation of the petitioner, dated 05.09.2022 and pass appropriate orders on



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merits and in accordance with law, after giving opportunity of hearing to all the parties concerned, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] & [J.S.N.P., J.]

22.09.2022

Index : Yes / No

Internet : Yes / No

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Note: Issue Order copy on 27.09.2022.

To

1.The Principal Secretary,
Government of Tamil Nadu,
Revenue Department, Fort St.George, Secretariat,
Chennai-600 009.

2.The District Collector,
Theni District, Theni.

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3.The District Revenue Officer,
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