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W.P.Nos.14662 & 14667 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.14662 & 14667 of 2023 &
W.M.P.Nos.14139 & 14148 of 2023

Kuppusamy
Sekar

... Petitioner in W.P.No.14662 of 2023
... Petitioner in W.P.No.14667 of 2023

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Revenue Divisional Officer,
Villupuram District,
Villupuram.

3.The Tahsildar,
Vikravandi Taluk,
Villupuram District.

4.The Village Administrative Officer,
Village Administrative Office,
Vettakadu Village,
Vikravandi Taluk,
Villupuram District.

... Respondents in both W.Ps.



Prayer in W.P.No.14662 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the Respondents from laying road / pathway in petitioner's patta land comprised in Survey Numbers 159/1B3 and 159/1B5 situated at Vettukadu Village, Villupuram Distirct and situated within the Sub-Registration District of Vikkiravandi or interfere with the peaceful possession thereof, in any other manner.

Prayer in W.P.No.14667 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the Respondents from laying road / pathway in petitioner's patta land comprised in Survey Numbers 46/6, 46/7, 46/8, 46/9, 46/10, 46/11, 47/8, 47/9, 47/10, 149/1A, 149/1D, 149/3A, 149/3B, 154/1, 154/3, 159/2C, 159/5 and 159/5 situated at Vettukadu Village, Villupuram Distirct and situated within the Sub-Registration District of Vikkiravandi or interfere with the peaceful possession thereof, in any other manner.

For Petitioners
in both W.Ps. : Mr.Vikram Veerasamy

For Respondents
in both W.Ps. : Mr.T.Arun kumar,
Additional Government Pleader

COMMON ORDER

The relief sought for in the present writ petitions is to forbear the respondents from laying road / pathway in the petitioners' patta lands



comprised in Survey Numbers 159/1B3, 159/1B5, 46/6, 46/7, 46/8, 46/9, 46/10, 46/11, 47/8, 47/9, 47/10, 149/1A, 149/1D, 149/3A, 149/3B, 154/1, 154/3, 159/2C, 159/5 and 159/5 situated at Vettukadu Village, Villupuram District and situated within the Sub-Registration District of Vikkiravandi

2. The petitioners filed the writ petitions with an apprehension that the respondents have initiate action to lay roads / pathway in the petitioners' patta lands. In respect of the said apprehension, the third respondent filed a counter affidavit stating that there is no proposal as of now to initiate the land acquisition proceedings in respect of patta lands belonging to the petitioners. The third respondent states that there is a group of villagers at the tail end of the agricultural lands and they want proper pathway to access their agricultural lands. Dispute arose and peace meeting was conducted by the Tahsildar on 19.04.2023. Both the parties present, but no consensus arrived.

3. The learned Additional Government Pleader brought to the notice of this Court that the petitioners have given their consent for the usage of pathway as it remains as of now without any interruption from the pattadhars.



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4. When the petitioners have given a statement allowing the other persons to reach their agricultural lands through the pathway, this court is of the opinion that no relief as such sought for in the present writ petition can be granted. If at all the petitioners raise any objection in respect of the patta land or otherwise, they have to approach the competent civil court of law for the purpose of establishing their civil right.

5. Disputed issues of civil nature cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. The Tahsildar and the Revenue Divisional Officer conducted peace meeting and the petitioners themselves have given a statement that they have no objection with the usage of the pathway which is being used for several years by the Villagers to reach their respective agricultural lands for cultivation.

6. The learned counsel for the petitioners state that the petitioners have raised repeated objections for the usage of pathways. However, the said statement cannot be relied upon, since the learned Additional Government Pleader produced the statements of the petitioners signed by them.



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7. This being the facts established, there is no other reasons to consider the relief as such sought for in the present writ petitions. Accordingly, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

07.09.2023

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Index : Yes

Speaking order

Neutral Citation: Yes



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S.M.SUBRAMANIAM, J.

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