



WEB COPY



W.P.No.26946 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.26946 of 2023

and

WMP.No.26378 of 2023

Sadhasivam

...
/vs/

Petitioner

- 1.The District Collector,
Thiruvannamalai District Collector Office,
Vengikkal, Thiruvannamalai-606 604.
Thiruvannamalai District.
- 2.The District Project Officer,
(Rural Development)
Thiruvannamalai District Collector Office,
Vengikkal, Thiruvannamalai-606 604.
Thiruvannamalai District.
- 3.The Assistant Director of Rural Development,
The Office of Assistant Director of
Rural Development of Cheyyar Division,
Cheyyar – 604 407.
Thiruvannamalai District.
- 4.The Block Development Officer,
Arani (west) block development Office,
Arani-632 301.



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5.The Tahsildhar,
Arani Taluk,
Thiruvannamalai District,
Thiruvannamalai.

6.The Village Panchayat President
Vannangulam Panchayat,
Vannakullam Taluk,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to leave the cart track in Survey No.199 of Aarani Taluk, No.4, Vannangulam Village, Thiruvannamalai District, while constructing the Kalam (paddy Processing field) by considering the representation datd 22.08.2023 and 26.08.2023 of the petitioner.

For Petitioner	...	Mr.V.Neethidurai
For Respondent Nos.1,2,3 & 5	...	Mr.P.Veluchamy Additional Government Pleader
For Respondent No.4	...	Mr.C.Jayaprakash
For Respondent No.6	...	Mr.G.K.Sekhar



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ORDER

The writ petition has been filed to issue a Writ of Mandamus directing the respondents to leave the cart track in Survey No.199 of Aarani Taluk, No.4, Vannangulam Village, Thiruvannamalai District, while constructing the Kalam (paddy Processing field) by considering the representations dated 22.08.2023 and 26.08.2023 of the petitioner.

2.The learned counsel appearing for the petitioner submitted that the petitioner has purchased the land in Survey No.198/6A from one V.K.Govindasamy along with the right to use the cart track to his agriculture land situated in S.No.199. Even though the cart track is situated on the Government land, he has been using the same from the date of purchase. Now, the 6th respondent identified the land in Survey No.199 and recommended it to the other respondents for construction of Kalam (paddy processing field) which curtails the petitioner's right to ingress and egress to his land. If they blocked the pathway, the petitioner can not go to his land and can not proceed with the vehicle for harvesting purposes, since it requires 23 feet. Hence, the petitioner gave representations to the



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third respondent, but no action has been taken so far. Hence, the present writ petition has been filed.

3.The learned Additional Government Pleader appearing for the respondents 1 to 3 & 5 submitted that the entire land in Survey No.199 is a Government Poromboke land. Therefore, making construction of Kalam (paddy processing field) for the usage of villagers is to dry their harvested grains and also sufficient space is left as pathway for the petitioner to reach his land in Survey No.198/6A and the construction of (Kalam) paddy harvesting process would not affect the usage of the pathway of the petitioner.

4.The learned Counsel appearing for the 6th respondent /Panchayat submitted that Survey No.199 is a Government Poromboke land and only in the Government Poromboke land, they had constructed a Kalam (harvesting process) and the petitioner had only purchased the land in Survey No.198/6A and not Survey No.199, which is a Government Poromboke land. Therefore, the villagers used the land in Survey No.199



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(Kalam) for drying their harvested grains in that place and they constructed a Kalam measuring 6 x 6 metres, which will not affect the usage of pathway by the petitioner to reach his land in survey No.198/6A.

5.In view of the above, as sufficient space is available for the petitioner to reach his lands, this is only a simple Writ of Mandams for considering his representations. Therefore, the respondents are directed to consider the petitioner's representations and pass appropriate orders on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

With the abovesaid direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Speaking Order : Yes/No
Neutral Case Citation: Yes/No
sms

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