



W.P(MD)No.7189 of 2019 and batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.7189, 7242, 18289, 18291, 18295, 18297, 18298,
18301, 18308, 18311, 18316, 18320, 18326 and 18328 of 2019
and

W.M.P.(MD)Nos.14733, 14734, 14740, 14742, 14743, 14744,
14752, 14756, 14758, 14761, 14764, 14765 of 2019

W.P.(MD)No.7189 of 2019:-

G.Rajendran

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar.
- 3.The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.
- 4.The Block Development Officer,
Narikudi Union, Narikudi,
Virudhunagar.
- 5.The District Collector,
Ramanthapuram District,
Ramanathapuram.



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6.The Block Development Officer,
Kamuthi Taluk, Kamuthi,
Ramanathapuram.

7.The Tahsildar,
Kamuthi Taluk, Kamuthi,
Ramanathapuram.

... Respondents

*(R5 to R7 are impleaded vide order dated
05.08.2020 in W.M.P.(MD)No.8769 of 2019 in
W.P.(MD)No.7189 of 2019)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from the proposed construction of Public road in the petitioner's patta land comprised in Survey No.19/8 and 19/6 in Poomalaipatti Village, Thiruchuli Taluk, Virudhunagar District.

For Petitioner : Mr.Babu Rajendran

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader.

COMMON ORDER

Heard the learned counsel on either side.

2.The only issue that calls for consideration is regarding the nature of the petition mentioned lands. It is beyond dispute that they are patta lands. The



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petitioners have enclosed the revenue records in the typed set of papers and there is no dispute about the same. However in the settlement land register and FMB, it is seen that a cart track runs across the patta lands. The learned counsel for the petitioners also does not dispute the same. From the averments set out in the counter affidavit, one can come to the conclusion that if the existence of the road is not mentioned in the “A” register but it is shown only as a detailed mark in the FMB, the width is below three meters. In the “A” register as well as other revenue records, there is no specific entry that the subject lands have been classified as a road. On the other hand, from a reading of the settlement land register, one can come to the conclusion that vandi pathai (cart track) runs across the patta lands. A cart track will have to be maintained as cart track. In other words, people can use it for passing through it. There can be a movement of men and materials. However, forming a pucca thar road on a cart track would definitely infringe the rights of the parties. In this case, they have not taken into confidence. There has been no gramma saba meeting approving the formation of thar road. While declaring that the detailed mark as shown by the respondents indicates only the existence of cart track on ground, it has to be maintained only as cart track and the questioning of converting is as a pucca thar road does not arise.



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3. With this clarification and observation and declaration regarding the existence of the cart track, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

09.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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3. The Tahsildar,
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