



W.P.(MD)No.16144 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16144 of 2021

and

W.M.P.(MD)No.13004 of 2021

A.Murugesan

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Block Development Officer,
Palani Panchayat Union,
Taluk Office Compound,
Palani, Dindigul District.

3.The Tahsildar,
Palani Taluk,
Dindigul District.

4.The Commissioner,
Palani Panchayat Union,
Palani.

5.The Executive Engineer,
Public Works Department Building,
Palani, Dindigul District.

6.R.Krishnan

7.K.Kannan



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8.K.Revathi

...Respondents

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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 2 to 5 to restore the public road in Survey No.7/4, which runs through survey Nos.7/3 and 7/6 in Karikaranputhur, Periyammappatty Village, Palani Taluk, Dindigul District that connects the metal road leading to the graveyard of Karikkaranpudur Village and ends in Survey No.9 of Periyammappatti Village Palani Taluk, Dindigul District within the time stipulated by this Court.

For Petitioners	: Mr.S.Rajasekar
For R1 to R5	: Mr.R.K.Manikkam Special Government Pleader
For R6	: Mr.D.Venkatesh
For R7 & R8	: No Appearance

ORDER

This writ petition has been filed for the issue of writ of mandamus to direct the respondents 2 to 5 to restore the public road in Survey No.7/4 within the time stipulated by this Court.

2.Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 5 and the learned counsel for the sixth respondent.



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3.The specific case of the petitioner is that he is the owner of the properties in Survey No.9/1B, 9/2 and 9/3 at Periyammapatty Village, Palani Taluk. According to the petitioner, the pathway in Survey No.7/4 has been in use for more than 30 years for transportation of agricultural yields. Some private parties damaged this pathway and thereby, access to the petitioner's property was curtailed. It is in these circumstances, the petitioner made a representation dated 02.06.2021 to restore the pathway in Survey No.7/4, which according to the petitioner, also runs through Survey Nos.7/3 and 7/6 and ends in Survey No.7/9. Since the same was not considered, the present writ petition has been filed.

4.The third respondent has filed counter affidavit and has taken a very specific stand that the property in Survey No.7/4 is classified as cart track in the revenue records and it is maintained so without any encroachments.

5.The learned Special Government Pleader appearing on behalf of the official respondents submitted that there is absolutely no difficulty in maintaining the land in Survey No.7/4 as cart track. Insofar as the private dispute is concerned, the same should be resolved by the parties only before the competent civil Court.



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6.The learned counsel appearing on behalf of the sixth respondent submitted that after filing of the present writ petition, the petitioner has filed a suit in O.S.No.12 of 2023 before the District Munsif Court, Palani for a similar relief and that the suit is pending. He further submitted that the petitioner is attempting to bring in a private dispute and adjudicate the same in this writ petition. Therefore, the learned counsel sought for the dismissal of the writ petition.

7.This Court can only go into the status of survey number in S.No.7/4, which alone has been classified as cart track in the revenue records. The counter affidavit of the third respondent makes it clear that the status of this property will not be damaged and it will be kept intact without encroachments.

8.In view of the same, the access through Survey No.7/4 has been assured by the official respondents. Insofar as the other private property dispute between the parties with regard to other survey numbers are concerned, the same can only be adjudicated by the parties before the civil court in the pending proceedings and the same cannot gone into by this Court in this writ petition.



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9.This Writ Petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

07.11.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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To

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Dindigul.
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- 3.The Tahsildar,
Palani Taluk,
Dindigul District.
- 4.The Commissioner,
Palani Panchayat Union,
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N.ANAND VENKATESH, J.

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