



W.P.(MD)No.14896 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.14896 of 2014
and M.P.(MD)Nos.1 and 2 of 2014 and 1 and 2 of 2015

R.Krishnammal

... Petitioner

versus

1. The Tahsildar,
Andipatti,
Theni District.

2. The President,
Athangaraipatti Panchayat,
Andipatti Taluk,
Theni District.

3. Mr.Kothala Muthu,
President,
Athangaraipatti Panchayat,
Andipatti Taluk,
Theni District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned order in Na.Ka.No.3957/2014/Aa1 dated 27.08.2014 passed by the 1st respondent and quash the same.



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For Petitioner : Mr.T.Antony Arul Raj
For R1 and R2 : Mr.P.T.Thiraviam,
Government Advocate
For R3 : No appearance

ORDER

This writ petition has been filed as against the order dated 27.08.2014 passed by the first respondent. By the impugned order, the first respondent confirmed that the pathway in Survey Nos.742/2C1A1 and 742/3A1A1 is a public pathway and also directed the second respondent/the President of Panchayat to provide all amenities to use it as a public pathway.

2. The petitioner claims that the lands in Survey No.742/2C1A and 742/3A1 belonged to her father-in-law and after his demise, the said property was allotted to her husband Late Ramaiah Thevar by way of partition and patta also stands in the name of her husband Late Ramaiah Thevar. After his demise, she and her daughters and sons are enjoying the said lands. According to her, a portion of the property in Survey No.742/2C1A was sold to one Ravichandran by her husband



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during his life time by way of a registered sale deed dated 11.02.1997.

In order to enable the purchaser to access the said land, a private pathway was laid on the western side of the property and the said pathway is being used by her family members as private pathway.

3. Now, the petitioner has filed this writ petition with a grievance that the private pathway, which has been used by her family members, has been attempted to be taken away by the Panchayat President for developing a layout and for that purpose, this impugned order dated 27.08.2024 has been passed by the first respondent.

4. To substantiate the case of the petitioner, the 'A' Register for the lands in Survey Nos.742/2C and 742/3A is produced before this Court.

5. As per the revenue records, the said lands stand in the name of one Ramaiah Thevar, who is the husband of the petitioner.



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6. This writ petition is pending before this Court since 2014.

Though this Court has provided sufficient opportunities, the respondents have not produced any document to substantiate that it is a public pathway. This Court has specifically listed the case for production of any such documents. However, nothing was forthcoming.

7. Since the respondents have not produced any document to substantiate that it is a public pathway, this Court has no other option except to allow this writ petition. Accordingly, this writ petition is allowed and the impugned order dated 27.08.2014 passed by the first respondent is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

27.11.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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2. The President,
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B.PUGALENDHI, J.

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