



W.P(MD)No.4219 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4219 of 2015

and

M.P.(MD)No.2 of 2015

1.V.V.L. Chella Vilas Rice Mill (V.V.L.P),
A Partnership Firm rep. by its
Managing Partner,
A.Harikumar.

2.A.Harikumar

3.R.Chandra

4.R.Pitchai

5.R.Shivashankar

6.R.Ashok Kumar

7.R.Subramanian

8.L.Easwari

9.L.Chandramouli

10.L.Pitchai

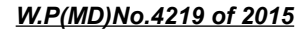
11.B.Chandra

12.B.Kanagaraj

13.B.Akilandeswari

... Petitioners

Vs.



- Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from proceeding further on the basis of the notice bearing Na.Ka.No.Aa/010/2015 dated 06.03.2015 issued by the 2nd respondent.

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 to R5.
Mr.M.Thangapandian for R6 & R7.



W.P(MD)No.4219 of 2015

ORDER

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Heard the learned senior counsel for the writ petitioners, the learned Special Government Pleader for the official respondents and the learned counsel for the private respondents.

2. According to the petitioners, 5.93 acres in S.Nos.158/A, 159/A1, 159/B1 and 160/A in Ariyamangalam Village was the absolute property of one V.V.L.Pitchai Chettiar. He put up oil mill in the year 1940. Dispute arose among family members in the year 1969 leading to institution of O.S.No.7 of 1969 on the file of Sub Court, Tiruchirappalli. The matter was compromised. Copy of the compromised petition filed in I.A.No.740 of 1969 has been enclosed in the typed set of papers. It is also claimed that adjacent lands measuring 1.65 acres was assigned in favour of the petitioner's family in the year 1974. In the typed set of papers, three assignments orders for an extent totalling 1 acre and 35 cents has been enclosed. The learned senior counsel states that there is document for the remaining 30 cents also but the same is not presently available.



W.P(MD)No.4219 of 2015

WEB COPY

3. Whiles, dispute between the petitioners on the one hand and the residents of adjacent locality with regard to pathway rights arose in the year 2014. The petitioners filed O.S.No.584 of 2014 on the file of Principal District Munsif Court, Tiruchirappalli against the said residents. An ex parte decree of permanent injunction came to be passed on 14.08.2014.

4. At this stage, on account of the law and order situation created by the residents of the adjacent locality, the Tahsildar, Tiruchirappalli East issued the impugned notice dated 06.03.2015 calling upon the petitioners to appear for enquiry on 10.03.2015 at around 11.00 am. For forbearing the revenue authority from proceeding in the matter, this present writ petition came to be filed.

5. The learned senior counsel took me through the contents of the affidavit filed in support of writ petition and pointed out that the revenue authorities would not be justified in interfering in the matter.



W.P(MD)No.4219 of 2015

WEB COPY

6.The learned Special Government Pleader for the official respondents on the other hand submitted that since law and order issue cropped up, in order to resolve the same, a peace committee meeting was convened and such effort of the authority to peacefully resolve an issue ought not to be interfered with by this Court. He pressed for dismissal of the writ petition.

7.I carefully considered the rival contentions and went through the materials on record. The writ petition will have to be allowed on two grounds. Firstly, the impugned notice is not traceable to any statutory provision. While the authorities are at liberty to convene such meetings, they cannot insist that the noticee must attend the meeting or that consequences will follow on account of his non-appearance. I have consistently held that such meetings have no statutory value or consequence.

8.Secondly, the case of the petitioners is that a mill was put up some eighty years ago and that it was already compounded. The



W.P(MD)No.4219 of 2015

compound wall became dilapidated and fell some forty years ago and it was re-built. The residents of the adjacent locality are seeking access right across the petitioners' property. The case of the petitioners was that 5.93 acres is their absolute property and the remaining 1.65 acres was assigned in the year 1974. As of now for half century, the entire extent has been used as a exclusive private property. If the private respondents herein want any access right, they have to necessarily move the jurisdictional Civil Court for enforcing their pathway rights. The revenue authority in the guise of convening peace committee meeting cannot interfere in such issues. For these twin reasons, the Writ of Mandamus as sought for is issued and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.4219 of 2015

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To:-

- 1.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.
- 2.Tahsildar,
Tiruchirapalli East,
Tiruchirapalli.
- 3.Inspector of Police,
Ariyamangalam Police Station,
Ariyamangalam.
- 4.Assistant Commissioner of Police,
Ponmalai, Tiruchirapalli.
- 5.Village Administrative Officer,
Ariyamangalam, Tiruchirapalli.



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W.P(MD)No.4219 of 2015

G.R.SWAMINATHAN, J.

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W.P(MD)No.4219 of 2015

12.07.2023