



REV.AP.W(MD)No.257 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

REV.APL WRIT.(MD).No.257 of 2023

IN

W.P.(MD).No.11812 of 2021

N.K.Shanmugasundaram ... Review Petitioner / Writ Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Block Development Officer (Village Panchayat),
Office of the West Panchayat Union,
Madurai-625 002.

3.The Tahsildar,
Madurai North Taluk,
Madurai.

4.The President,
Chettikulam Panchayat,
Chettikulam,
Oomatchikulam Village,
Madurai.

... Respondents

Prayer: Appeal filed under Order 47 Rule 1 C.P.C. r/w. U/S.114 of Civil Procedure Code to review the order made in W.P.(MD).No.11812 of 2021, dated 11.12.2023 passed by this Court and to allow the Writ petition.



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For Petitioner : Mr.K.R.Laxman
For R-1 & R-3 : Mr.K.S.Selvaganesan,
Additional Government Pleader
For R-2 : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

This Review Application has been filed to review the order passed in W.P.(MD).No.11812 of 2021, dated 11.12.2023.

2. Heard the learned counsel on either side.

3. The main ground that was urged by the learned counsel appearing for the petitioner is that the sketch that was filed before this Court is totally misleading and this sketch was completely relied upon by this Court while passing the order. The learned counsel submitted that the regular pathway that was used by the petitioner to access his agricultural land was completely blocked by constructing a compound wall for the burial ground. The learned counsel submitted that the so-called alternative pathway that was shown by the respondents is totally inadequate for the petitioner to even take his tractors in order to carry out



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the agricultural activities. It was contended that the livelihood of the petitioner is at stake, since his access is attempted to be completely blocked to his agricultural lands.

4. In the considered view of this Court, this Court cannot rehear the entire matter in the guise of dealing with the Review Application. This Court must only see if the order passed in the Writ Petition suffers from an error on the face of the order. This Court does not find any such error. The fact that the petitioner is having difficulty to access his agricultural lands through an alternative pathway is no ground to review the order passed in the Writ Petition.

5. While dealing with the Writ Petition, this Court will not enter into disputed questions of fact. This Court at the best will only attempt to understand the difficulty faced by the petitioner and hence, went that extra mile to see if the access of the petitioner has been completely blocked to his agricultural lands. This Court found that there are alternative paths to reach the agricultural lands belonging to the petitioner. If those alternative paths are not convenient for the petitioner to access his agricultural lands, that is not a dispute which can be gone



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into in the Writ Petition. If at all the petitioner has any civil right, which has been interfered with by the respondents, it is left open to the petitioner to work out his remedy before the competent Civil Court. By undertaking this exercise, the petitioner will at least be able to establish the disputed facts before the Court and the Court can appreciate the evidence and come to a conclusion. Except giving this liberty, no further orders can be passed in this Review Application.

6. This Review Application is disposed of accordingly. No costs.

22.12.2023

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
TSG



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To

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Madurai District,
Madurai.
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Office of the West Panchayat Union,
Madurai-625 002.
- 3.The Tahsildar,
Madurai North Taluk,
Madurai.
- 4.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

TSG

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