



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

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CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

WP.No.13975 of 2024

C.Paramasivam

... Petitioner

Vs.

1.The Land Administrative Commissioner,
Ezhilagam, Chepauk,
Chennai.

2.The District Collector,
Collectorate Offices,
Dharmapuri.

3.The District Revenue Officer,
Dharmapuri Collectorate,
Dharmapuri.

4.The Revenue Divisional Officer,
Dharmapuri Collectorate,
Dharmapuri.

5.The Tahsildar,
Tahsildar Office,
Nallampalli Town and Taluk,
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 5 to removing fence and restore the pathway in Survey No.468 based on the petitioner's representation



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dated 15.04.2023.

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For Petitioner : Mr.M.Selvam

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

The petitioner is aged 92 years and has participated in the struggle for freedom of the Country. He along with his family resides in S.No.469/2A1B, Palayam Village, Nallampalli Taluk, Dharmapuri ('property'/ 'property in question'). He is aggrieved by the lack of a proper pathway to reach his property. He claims to be cultivating his land over the last several decades and has been accessing the same through a pathway of 15 feet that was running through the adjoining lands.

2. Those lands are jointly owned by the petitioner along with other co-owners and recently, there appear to be disputes between himself and the co-owners of the adjoining lands. As a result, the petitioner has been facing difficulties in accessing his land safely.

3. Learned counsel for the petitioner would point out that there is a well on the pathway leading to his land through the jointly owned lands which also makes it difficult and dangerous for the petitioner to traverse that path. The Court had sought a graphic representation of the area in order to fully understand the topography of the area and Mr.U.Bharanidharan, learned Additional Government Pleader for the respondents assisted by Mr.S.Loganathan, Senior Revenue Inspector, Nallampalli



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Taluk Office, Dharmapuri District, have filed a map and explained the same. The same is annexed to this order and made a part and parcel thereof.

4. That map reveals that the property in question is surrounded on all sides by four parcels of land. The property in S.No.2A1A which is adjoining the petitioner's land, belongs to him. The route/path presently taken by the petitioner is marked in blue and green and runs through S.Nos.2A6A, 2A6B, 2A6C, 2B4B and 2B4A.

5. The status report filed by Tahsildar, Nallampalli Taluk on 12.06.2024 is incorrect in regard to the Survey Numbers through which the pathway travels. When the errors are pointed out, a new affidavit dated 19.06.2024 is filed by R5 correcting the errors. As per this affidavit, the pathways run through S.Nos.469/2B4A, 469/2B4B, 469/2A6F and 469/2A6A. The photographs filed by the petitioner today would show that there is hardly a proper pathway. The route is narrow, covered by bushes and the petitioner is required to circumnavigate a well enroute.

6. All that the petitioner seeks is a small path through the land in S.No.468, which, admittedly, belongs to the Government. In status report dated 12.06.2024, the respondents state that Government lands cannot be transferred to private parties. However, in the present case what is sought is not a transfer of land per se, but only permission to use the land to access the road in a safe manner.

7. The petitioner is aged 92 years as on date. He is, admittedly, a freedom fighter (freedom fighter pension order dated 28.02.2011 is placed at page No.13 at



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the typed set). Bearing the aforesaid admitted factual position, mandamus is issued to R3 to carve out a pathway of 15 feet on the North-East side of Plot No.468 such that the petitioner may use the same to access the road. This exercise shall be completed within a period of two (2) weeks from today. It is made clear that the benefit under this order and the use of the pathway as above, enures only to the petitioner and his family members who reside with him, for his life time. The land in S.No.468 shall be restored to its original state thereafter.

8. This writ petition is allowed. No costs.

9. List on 02.07.2024 under the caption 'to report compliance'.

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vs

Index:Yes/No

Speaking order

Neutral citation:Yes

Note:Issue order copy on 20.06.2024 enclosing map dated 11.06.2024 as Annexure thereto.

To

1.The Land Administrative Commissioner,
Ezhilagam, Chepauk, Chennai.

2.The District Collector,
Collectorate Offices, Dharmapuri.

3.The District Revenue Officer,
Dharmapuri Collectorate, Dharmapuri.

4.The Revenue Divisional Officer,
Dharmapuri Collectorate, Dharmapuri.



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5. The Tahsildar,
Tahsildar Office, Nallampalli Town and Taluk,
Dharmapuri District.



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DR.ANITA SUMANTH,J.

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