



WEB COPY



W.P.No.22606 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22606 of 2024
and
W.M.P. No. 24632 of 2024

Palanisamy

... Petitioner

Vs

1. The Revenue Divisional Officer,
Erode District.

2. The Tahsildhar,
Sathyamangalam, Erode District.

3. Palanisamy

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order passed by the second respondent in Na. Ka. No. 8456/2023/A3 dated 01.07.2024 and quash the same.

For Petitioner : Mr. S.Parthasarathy

For Respondents : Mr. A.Selvendran,
Special Government Pleader (for R1 & R2)



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ORDER

This Writ Petition has been filed challenging the order dated 01.07.2024 passed by the second respondent, whereby the second respondent ordered that the cart track comprised in Survey No. 135/1, situated at Palayakaliayanur Village, Sathyamangalam, Erode District, can be used by all general public, including the third respondent.

2. The case of the petitioner is that he is the joint owner of the property comprised in Survey No. 135/1, situated at Palayakaliayanur Village, Sathyamangalam, Erode District, to an extent of 1.85.50 hectares, along with one Thirumoorthy, and they were issued patta in Patta No. 281. Adjacent to the said property, from North West to South West, and thereafter, on the Southern side, it reaches from South West to South East, and on the Eastern side, there runs a cart track. Further, the said passage exclusively belongs to the petitioner and another.

3. While that being so, the third respondent, who has property comprised in Survey No. 135/3, and one Thangamma Dass, having property



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comprised in Survey No. 135/2, without any right over the property comprised in Survey No. 135/1, submitted a petition before the first respondent, and without even notice to the petitioner, the second respondent ordered that the said Cart Track can be used by all general public.

4. The learned counsel for the petitioner submitted that the third respondent is now attempting to plant some trees.

5. The learned Special Government Pleader appearing for the first and second respondents, on instructions, states that the Cart Track comprised in Survey No. 135/1 is a public Cart Track and it is used by all general public. Therefore, the petitioner or the third respondent cannot claim an exclusive right over the said property. Further, it is also clarified that the Cart Track comprised in Re-Survey No. 135/1 can be used only for Cart Track purposes without planting any trees. Hence, the petitioner or the third respondent cannot claim any exclusive right over the said property, and as such, they are restrained from planting any trees in the Cart Track.

6. With the above clarifications, the order passed by the second



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respondent is affirmed, and the Writ Petition is disposed of. Consequently,
the connected Miscellaneous Petition is closed. No costs.

09.08.2024

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Revenue Divisional Officer,
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G.K.ILANTHIRAIYAN, J.

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