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WP.No.35449 of 2024

In the High Court of Judicature at Madras

Dated : 28.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35449 of 2024

V.Thangavel

Vs

...Petitioner

1.The District Collector,
Tiruchengode Road,
Namakkal District.

2.The Tahsildar, Paramathi
Velur Taluk, Namakkal District.

3.The Surveyor, Paramathi Velur
Taluk, Namakkal District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to survey and subdivide the cart track comprised in S.No.169/1A in A.Kunnathur Village, Paramathi Velur Taluk, Namakkal District by considering the petitioner's representation dated 27.8.2024.

For Petitioner : Mr.Senthil
For Respondents : Mr.A.Selvendran, SGP

ORDER



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Seeking a Mandamus to the second respondent to consider his representation date 27.8.2024 to conduct an survey and subdivide the cart track in S.No.169/1A in A.Kunnathur Village, Paramathi Velur Taluk, Namakkal District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The petitioner would contend that the petitioner's parents owned S.No.169 and other lands in A.Kunnathur Village, Paramathi Velur Taluk, Namakkal District. Since the adjacent land owners disturbed the usage of water through pipeline and the pathway used by the petitioner's parents to reach the said lands, O.S.No.41 of 1976 came to be filed before the District Munsif Court, Namakkal for a declaration and permanent injunction, in which, a compromise decree was passed on 30.8.1978. By the said compromise, the petitioner's parents agreed to lay a cart track and accordingly, they also laid the cart track having 10 feet width. Till they were alive, the petitioner's parents and the adjacent land owners were utilizing the same for the past four decades without any hindrance.

4. After the demise of the petitioner's parents, the petitioner and



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the adjacent land owners were using the said 10 feet cart track, which is the only access to reach their respective lands. Thereafter, the said 10 feet width pathway along with the well was subdivided into S.No. 169/A out of a total extent of 0.11.50 hectares. Further, a joint patta was issued in respect of S.No.169/A. However, the said 10 feet cart track was not subdivided separately. Hence, the petitioner made an online application on 27.8.2024 seeking to conduct a survey, subdivide the cart track in S.No.169/A and to mark the details in the Field Measurement Book. He also paid the necessary fees. A representation was sent to the second respondent even on the same day. However, it did not evoke any response. Hence the writ petition.

5. The petitioner made the application to the second respondent in order to prevent hindrance for the usage of the said pathway by both the petitioner as well as the adjacent land owners in future.

6. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the second respondent to conduct survey of the said pathway in S.No.169/1A. The petitioner shall submit all the relevant records before the second respondent, who, in turn, shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, pass orders



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either surveying and subdividing the said cart track and demarcating the boundaries or rejecting the request. In the case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

28.11.2024

To

- 1.The District Collector,
Tiruchengode Road,
Namakkal District.
- 2.The Tahsildar, Paramathi
Velur Taluk, Namakkal District.
- 3.The Surveyor, Paramathi Velur
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