



W.P.(MD) No.1552 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1552 of 2024
and W.M.P.(MD)Nos.1557 & 1559 of 2024

M.Suresh

... Petitioner

Vs.

- 1.The Principal Secretary to the Government,
Department of Registration,
Government of Tamilnadu,
State Secretariat,
Fort. St. George, Chennai - 9.
- 2.The Principal Secretary,
Department of Revenue,
Government of Tamil Nadu,
State Secretariat,
Fort. St. George,
Chennai - 9.



W.P.(MD) No.1552 of 2024

WEB COPY

- 3.The Inspector General of Registration,
No.100, Sathome High Road,
Chennai - 600 028.
- 4.The Director of Survey and Land Records,
Survey House, Chepauk,
Chennai.
- 5.The District Collector,
District Collectorate,
Pudukkottai District.
- 6.The District Revenue Officer,
Pudukkottai District,
Pudukkottai
- 7.The Tahsildar, Karambakudi Taluk,
Pudukkottai District.
- 8.The Revenue Divisional Officer, Pudukkottai,
Pudukkottai District.
- 9.The Assistant Director of Survey,
Survey and Land Records Department Office,
Pudukkottai
- 10.The Head Surveyor, Karambakudi,
Pudukkottai District.
- 11.The Circle Deputy Inspector (Land Survey),
Tahsildar Office,
Karambakudi,
Pudukkottai District.



WEB 12. Thangavelu

W.P.(MD) No.1552 of 2024

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records connected with the order of the respondent No.9 in Na.Ka.A10/5815/2023 dated 04.12.2023 and quash the same as illegal and consequently direct the respondents No.5 to 11 to take action to remove the encroachment made by the respondent No.12 by obstructing the pathway used by the petitioner and his neighbours to visit their respective homes, by considering the representation of the petitioner dated 14.11.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.P.Maharajan,
Special Govt. Pleader for R1 to R11

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the order of the respondent No.9 in Na.Ka.A10/5815/2023 dated 04.12.2023 and quash the same as illegal and consequently direct the respondents No.5 to 11 to take action to remove the



W.P.(MD) No.1552 of 2024

WEB COPY

encroachment made by the respondent No.12 by obstructing the pathway used by the petitioner and his neighbours to visit their respective homes, by considering the representation of the petitioner dated 14.11.2023 in accordance with law within the time stipulated by this Court.

2. This Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is residing in S.No.72/2022 of Karambakudi Village, Karambakudi Taluk, Pudukottai District along with his family members for more than past five generations. The respondent No.12 has attempted to encroach upon the common pathway with an ulterior motive to block the pathway that is being used by more than 10 families. The petitioner further stated that without impleading him, the 12th respondent has filed a Writ Petition before this court in W.P.(MD)No.5482 of 2023, seeking a direction to re-align the property in question in the Field Measurement Book of S.No.72 and join the said property with S.No.72/22D, 72/22F and S.No.72/24F. In the said



W.P.(MD) No.1552 of 2024

WEB COPY

Writ Petition, the 12th respondent stated that there was some space left behind two houses and some third parties were tried to use such space as pathway. This Court by order dated 06.06.2023, directed the respondents 4, 9, 10 and 11 to take a decision on the basis of the records and more specifically, on the basis of the reports from the respondents 9 and 11 herein viz., the survey department. However, before commencing of such exercise, the respondent No.12 had fraudulently obtained patta in S.No.72/22G and had blocked the pathway by constructing a block in the said land. The petitioner has also filed an appeal before the respondent No.8, to cancel the patta issued to the respondent No.12 and the same is pending.

4. The petitioner has sent a representation dated 14.11.2023, requesting to remove the block in the pathway made by the respondent No.12 and to facilitate the pathway for himself and 10 other families, who are using the pathway. However, without considering the said representation, the respondent No.9 had passed the impugned order, directing the petitioner to approach the Court of law. As against the said order, the petitioner has filed this Writ Petition.



W.P.(MD) No.1552 of 2024

WEB COPY

5. Considering the facts and circumstances of the case, we are of the view that these are the matters to be decided by the Civil Court by adducing oral and documentary evidence and therefore, we are not inclined to entertain this Writ petition. Further, this Court has already passed an order directing the Director of Survey and Land Records, to take a decision after getting report from the Survey Department. Therefore, if the Survey Department has passed such order, if necessary the petitioner shall approach the civil Court for his right to use the pathway.

6. With the above liberty, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]
29.01.2024

vsm
NCC : Yes / No
Index : Yes / No



W.P.(MD) No.1552 of 2024

WEB COPY

To

- 1.The Principal Secretary to th Government,
Department of Registration,
Government of Tamilnadu,
State Secretariat,
Fort. St. George, Chennai - 9.
- 2.The Principal Secretary,
Department of Revenue,
Government of Tamil Nadu,
State Secretariat, Fort. St. George,
Chennai - 9.
- 3.The Inspector General of Registration,
No.100, Sathome High Road,
Chennai - 600 028.
- 4.The Director of Survey and Land Records,
Survey House, Chepauk,
Chennai.
- 5.The District Collector,
District Collectorate,
Pudukkottai District.
- 6.The District Revenue Officer,
Pudukkottai District,
Pudukkottai
- 7.The Tahsildar, Karambakudi Taluk,
Pudukkottai District.



WEB COPY



W.P.(MD) No.1552 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

vsm

- 8.The Revenue Divisional Officer, Pudukkottai,
Pudukkottai District.
- 9.The Assistant Director of Survey,
Survey and Land Records Department Office,
Pudukkottai
- 10.The Head Surveyor, Karambakudi,
Pudukkottai District.
- 11.The Circle Deputy Inspector (Land Survey),
Tahsildar Office,
Karambakudi,
Pudukkottai District.

W.P.(MD) No.1552 of 2024

29.01.2024