



W.P(MD)No.4602 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P(MD)No.4602 of 2017
and
W.M.P(MD)No.3382 of 2017

1.Velammal

2.Pazhaniammal

3.K.Pandian

4.Pandiammal

5.K.Pandian @ Nadulapandian

6.K.Jeganath Pandian

... Petitioners

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sattur Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to



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consider the representation made by the third petitioner, dated 18.05.2015 to the first respondent and consequently direct the respondents to change the survey sketch and adangal of the land in Survey No.1425/5 in respect of the judgment in A.S.No.36 of 2006 on the file of the Subordinate Judge Court, Sivakasi and pass such other order or orders as this Court.

For Petitioners : Mr.T.Antony Arul Raj

For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The petitioner has filed a representation on 18.05.2015 before the first respondent to change the survey sketch and adangal in respect of the land in S.No.1425/5 in tune with the judgment in A.S.No.36 of 2005 on the file of the Subordinate Judge, Sivakasi.

2. The facts which has culminated in the filing of the writ petition is set out herein below:

The land in survey No.1425/5 of Nenmani Village, Sattur Taluk, Virudhunagar is claimed to be the ancestral property of the petitioners, in which there are 6 houses. The petitioners' case is that for convenience and easy access,



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there is open space between the houses. There appears to be an error in the survey sketch and revenue records. Taking advantage of this, one Abdul Majeeth claimed the same to be a public pathway and filed O.S.No.126 of 2002 on the file of the District Munsif Court, Sattur for a declaration that the land is a pathway and to restrain the petitioners from making use of the above land. The suit was allowed in their favour and the said judgment and decree was challenged by the petitioners in A.S.No.36 of 2006 on the file of the Subordinate Court at Sivakasi. The appeal was allowed and it was clearly held that the land in S.No.1425/5 was not a common pathway. In the light of this decree, the petitioner had requested the respondents to change the survey sketch by his representation, dated 18.05.2015, which has not been processed to date. Therefore, the petitioners have come forward with the above writ petition.

3. Heard the learned Counsels on either side.

4. A mere reading of the judgment and decree in A.S.No.36 of 2006 would indicate that the learned Subordinate Judge has clearly held that the said property is not a pathway. In the light of the above, the respondents are bound to restore the sketch to its original state. Therefore, the writ petition stands



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allowed by directing the respondents to consider and correct the sketch to be in conformity with the decree of the Civil Court and the petitioners' document within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

12.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sattur Taluk,
Virudhunagar District.



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P.T.ASHA, J.

BTR

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