



W.P(MD)No.30803 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.30803 of 2023

and

W.M.P(MD)No.26457 of 2023

Muthulakshmi

... Petitioner

Vs

1.The District Collector,
Paramakudi Taluk,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.Thamaraikani

4.K.Gurusamy

5.A.Murugan

6.A.Devarajan

7.A.Periyaswamy @ Karthi

8.Govindammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 for taking necessary action against the respondents 3 and 8 for their illegal activity and consequently directing them from forbearing the respondents 3 to 8 from laying road in the petitioner's property in S.F.No.93/4E2, Kamuthakudi Village, Paramakudi Taluk, Ramanathapuram District based on the decree and judgment in O.S.No.173 of 2004 on the file of the District Munsif Court, Paramakudi.



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For Petitioner : Mr.S.Karthik
For RR 1 to 3 : Mr.D.Gandhi Raj
Special Government Pleader
For RR 4 to 7 : Mr.M.Kannan

ORDER

This Writ Petition has been filed for a direction, forbearing the respondents 3 to 8 from laying road in the petitioner's property comprised in S.F.No.93/4E2, Kamuthakudi Village, Paramakudi Taluk, Ramanathapuram District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The property comprised in S.F.No.93/4E2 to an extent of 2 cents situated at Kamuthakudi Village, Paramakudi Taluk, Ramanathapuram District is purchased by the petitioner from her vendor by the registered sale deed dated 30.12.2009 vide Document No.5650 of 2009. The petitioner's vendor had already filed a suit in O.S.No.173 of 2004 on the file of the District Munsif Court, Paramakudi as against the respondents 1 and 2 herein and also the Tamil Nadu Electricity Board and the same was decreed by



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the Judgment and Decree dated 30.06.2006, thereby declared that the said subject property belonged to the petitioner's vendor. Thereafter, the petitioner had purchased the subject property. Now, the respondents 3 to 8 attempted to lay a road in the subject property.

4.The second respondent filed a counter-affidavit and on the submissions made by Mr.D.Gandhi Raj, learned Special Government Pleader appearing for the respondents 1 to 3 would reveal that originally the subject property was purchased by the petitioner from the legal heirs of one Manimuthu, who had no title over the property. The property comprised in Survey No.93/2 to an extent of 1.07.0 hectares was acquired by the Adi Dravidar Welfare Department and granted house site pattas for 55 beneficiaries. However, they were not provided with access to their respective property. Therefore, survey was conducted and the disputed site has been identified as a public place and pathway. It was used by the general public for time immemorial. The revenue record also shows that the land comprised in Survey No.93/4E2 is classified as a common pathway (sarkar poramboke).



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5.On perusal of the decree obtained by the petitioner's vendor in O.S.No.173 of 2004 on the file of the District Munsif Court, Paramakudi, would reveal that the said suit was decreed only for one cent. However, the petitioner had purchased the property admeasuring 2 cents comprised in S.F.No.93/4E2 situated at Kamuthakudi Village, Paramakudi Taluk, Ramanathapuram District. Further, the road has already been laid and the land in which the decree was granted is left out and in the remaining land, laid the road. Therefore, the petitioner has no right or title over the property in which now the road has been laid by the respondents 3 to 8. In view of the above, the relief sought in the Writ Petition cannot be granted and the Writ Petition itself is devoid of merits and the same is liable to be dismissed.

6.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

18.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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Paramakudi Taluk,
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G.K.ILANTHIRAIYAN, J.

ps

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