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W.A.No.170 of 2025 & W.P.No.5571 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2025

CORAM :
THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.170 of 2025 and W.P.No.5571 of 2025

P.Dinesh .. Appellant/Writ Petitioner
Vs.

1. The Secretary to Government
Government of Tamil Nadu
Revenue and Disaster Management
Secretariat, Rajaji Salai, Chennai – 600 009.

2. The District Collector
Ranipet District, Ranipet.

3. The Tahsildar
Arakkonam Taluk, Ranipet District.

4. The Commissioner
Arakkonam Municipality
Arakkonam, Ranipet District.

Respondents in
.. both W.A. & W.P.

Prayer in W.A.No.170 of 2025: Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 19.10.2024 made in W.P.No.30994 of 2023; and

Prayer in W.P.No.5571 of 2025: Petition filed under Article 226 of the Constitution of India, praying for a writ of certiorarified mandamus, calling for the records relating to the impugned proceedings of the first respondent in Letter No.7128393/Ni Mu 4(1)/2024-1 dated 03.05.2024 and impugned order of the second respondent in NA.Ka.C2/3548/2022 dated 17.05.2024 and quash the same as being illegal, arbitrary, unconstitutional and consequently direct the respondents to maintain the said Battai Poramboke Land in T.S.No.37 of Arakkonam Town Survey, Arakkonam Town, Arakkonam Taluk, Ranipet District, as the same in front of the petitioner's land alone to reach Gandhi (Thiruthani) Road.



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For the Appellant/Writ Petitioner : Mr.V.Manohar
for Mr.A.Ilayaperumal

For the Respondents
in both W.A. and W.P.

: Ms.M.Jayanthi
Additional Govt. Pleader
for R1 to R3

Mr.M.Suresh Kumar
Additional Advocate General
assisted by Mr.C.Selvaraj
Additional Govt. Pleader
for R4

COMMON JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

Since the issue raised in both the writ petition and the writ appeal are one and the same, both were heard together and are being disposed of by this common order.

2. The writ appeal is arising out of the order passed by the Writ Court dated 19.10.2024 made in W.P.No.30994 of 2023.

3. That the appellant is the writ petitioner, who became the owner of the land in Old S.F.No.344/1 and S.F.No.258/2D, Arakkonam Town, Ward-B, Block No.4, T.S.No.35/1 situated at Door No.9, Gandhi Road, Arakkonam-Tiruthani Road, Arakkonam Taluk to the extent of 1170 Sq.Ft. This land has been exchanged between the appellant/writ petitioner and his sister, one *D.Divya*. Be that as it may, ultimately, he has become the owner of the



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property, where he wanted to put up a construction of a dwelling house, for which, he made an application for getting approval from the fourth respondent Municipality.

4. The fourth respondent Municipality seems to have advised the appellant/writ petitioner to get a No Objection Certificate (NOC) from the Revenue Authorities, as the just adjacent land belongs to the Government as a poromboke land and therefore, unless a NOC is granted by the Revenue Department for the purpose of utilizing the said land to reach the property of the appellant/writ petitioner, where he is going to construct a building, such planning permission submitted by the appellant/writ petitioner cannot be considered and granted was the stand taken by the fourth respondent Municipality.

5. Only at this juncture, the appellant/writ petitioner has approached the Revenue Authorities, who had, by subsequent proceedings, refused to give NOC to the appellant/writ petitioner, which triggered him to file the writ petition in W.P.No.30994 of 2023.

6. The said writ petition was disposed by the learned Judge



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through the impugned order dated 19.10.2024, whereby, the learned Judge has found that, admittedly, the land to the extent of 590 Sq.Mts., which is in front of the property belonging to the appellant/writ petitioner after exchange between the appellant/writ petitioner and the sister of him, belonged to the Government as poromboke land, which, in fact, is required for the purpose of public utility for construction of a Primary Health Centre to the estimated cost of 1.20 crores.

7. The land also has been reclassified and has been handed over to the Municipal Administration Department for construction of a Urban Primary Health Centre and tender also has been called for in this regard. The tender seems to have been finalized. When that being the position, having recorded all these factors, the learned Writ Court has rejected the plea raised by the appellant/writ petitioner before the Writ Court seeking a mandamus to the Revenue Authorities to give NOC for the said poromboke land and for the utility of the appellant/writ petitioner to have *ingress* and *egress* of the property belonging to him, where, he proposes to have a construction, for which, planning permission is sought from the fourth respondent.



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8.1. Assailing the said order, though submissions have been made by *Mr.V.Manohar*, the learned counsel appearing for the appellant in the present appeal and he has also filed W.P.No.5571 of 2025 with prayer to quash the proceedings which have been already initiated for reclassification of the land in question for the purpose of construction of Primary Health Centre.

8.2. At one point of time during the argument, the learned counsel appearing for the appellant/writ petitioner submits that, insofar as the prayer that has been sought in W.P.No.5571 of 2025 is concerned, the writ petitioner is not pressing, but, at the same time, the appellant/writ petitioner's counsel would submit that, insofar as the issue raised in the main writ appeal is concerned, a representation has already been given to the Revenue Authorities that, at least a portion of the land belonging to the Revenue Authorities, which has already been declared to be Botti Poromboke, be allotted for the purpose of *ingress* and *egress* of the appellant/writ petitioner and in this context, he is ready and willing to pay the cost at the market rate for the small portion of the land only for the purpose of *ingress* and *egress* and therefore, to that extent, he is ready and willing to make a fresh representation to the Revenue Authorities, who are the respondents herein and if that



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representation is made and if it is directed to be considered on merits and in accordance with law and a decision is directed to be taken by the Revenue Authorities, the appellant/writ petitioner would be satisfied, he contended.

9. We have heard *Mr.M.Suresh Kumar*, learned Additional Advocate General assisted by *Mr.C.Selvaraj*, learned Additional Government Pleader for respondent 4 and *Ms.M.Jayanthi*, learned Additional Government Pleader for respondents 1 to 3, who would submit that, already, the land has been reclassified and handed over to the Department, which requires to construct a Primary Health Centre, for which, budgetary allocation has been made and a Government Order also has been issued and based on which, contractor has also been finalized and construction also has begun. When that being so, how far the request made by the appellant/writ petitioner would be feasible to be considered by the respondents may not be known at this juncture, but, anyhow, if he makes a representation and if it is feasible for consideration, the same would be considered and orders to that effect would be passed on merits. But, no guarantee could be given by the respondent Revenue Department that the request, to be made by the appellant/writ petitioner, would be considered positively and the land would be



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allotted to him for the ingress and egress.

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10. Even though it was one of the argument advanced by the learned counsel appearing for the appellant/writ petitioner, when he had been using the said land for the purpose of *ingress* and *egress* to reach his property even during the yesteryear when the property was vacant, such easementary right has already been there for the appellant/writ petitioner, but, in order to establish such easementary right, normally, a litigant has to go before the competent Civil Court by filing a Civil Suit, where, based on the evidences to be let in by the parties, it has to be decided by the Civil Court as to whether the appellant/writ petitioner is having any easementary right over the property belonging to the Government.

11. Be that as it may, now, since the learned counsel appearing for the appellant/writ petitioner confines his request only to the extent of considering his representation, to be submitted in this regard as stated *supra*, we are inclined to dispose of both the writ appeal and the writ petition to the following effect:

(i) The writ appeal is disposed of with the following directions:



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(a) That if any representation is filed by the appellant/writ petitioner, seeking such relief of allotting any minimum land, for the purpose of *ingress* and *egress* towards the property of him through the property belonging to the Government which has already been earmarked as poromboke and the same having been classified and handedover to the concerned Department for construction of a Public Health Centre, for payment of the market rate cost, such representation be considered and orders be passed. It is made clear that if the proposal is not feasible, it is open to the respondent Revenue Authorities to reject the same on merits.

(b) Anyhow, the representation to be submitted in this regard by the appellant/writ petitioner shall be considered and decided, on merits and in accordance with law, as early as possible by the Revenue Department.

(ii) Insofar as the prayer sought in W.P.No.5571 of 2025 is concerned, since the same is not pressed by the appellant/writ petitioner, as stated by the learned counsel appearing for the appellant/writ petitioner, no further adjudication is required in the said writ petition.



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12. With these observations and directions, both the writ appeal and the writ petition are accordingly dismissed. However, there shall be no order as to costs. Consequently, C.M.P.Nos.1220 & 1221 of 2025 and W.M.P.Nos.6150 & 6151 of 2025 are closed.

(R.S.K., J.) (H.C., J.)
12.09.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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To:

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Revenue and Disaster Management
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R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.

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