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W.P.No.2390 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.2390 of 2019
and
W.M.P.No.2633 of 2019

Muniammal

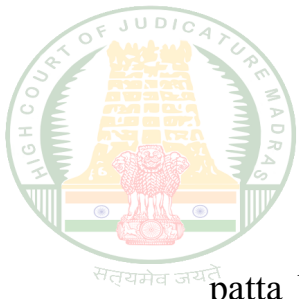
... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Dharmapuri.
2. The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.
3. The Block Development Officer,
Office of the BDO,
Karimangalam Panchayat Union Office,
Karimangalam Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Mandamus, to forbear the second and third respondents, from in any forming public road over the petitioner's private



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patta lands, in Survey No.31/1B and 31/5 of Anumanthapuram Village, without following the procedures contemplated under the Land Acquisition Act in pursuant to the petitioner's representation dated 01.01.2019.

For Petitioner : Mr.R.Selvakumar

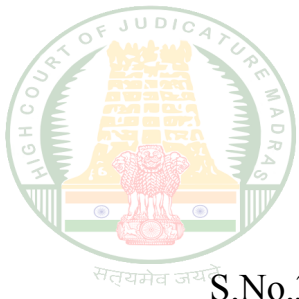
For Respondents: Mr.S.Rajesh,
Government Advocate

ORDER

This Writ Petition has been filed to forbear the second and third respondents from in any way forming a public road over the petitioner's private patta lands comprised in Survey No.31/1B and 31/5, situated at Anumanthapuram Village, without following the procedure as contemplated under the Land Acquisition Act.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner owned the land, to an extent of 2.43 acres comprised in S.No.31/1A4, an extent of 1.59 acres comprised in



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S.No.31/1C, and an extent of 25 cents comprised in S.No.31/1B, situated at Anumanthapuram Village, by way of a registered sale deed dated 22.05.1996, vide registered Document No.1061 of 1996. That apart, the petitioner's husband also purchased land comprised in S.No.31/5B, to an extent of 1.95 acres, and an extent of 15 cents comprised in S.No.31/5A, situated at Anumanthapuram Village, by a registered sale deed dated 21.08.1998, vide Document No.2176 of 1998. While being so, the second and third respondents, without any notice, started trespassing into their patta lands and started measuring the properties in order to lay a public road. Therefore, the petitioner submitted a representation.

4. On a perusal of the counter-affidavit filed by the second respondent and the submission made by the learned Government Advocate, it is revealed that the properties comprised in S.No.31/5A and 31/1B are being used as a cart track by the public, for the measurement mentioned, and the road to be formed in Anumanthapuram Village, Karimangalam Taluk, is to be used by the general public of Anumanthapuram, Sonnampatti, Mettukottai, and Elumichanally villages.



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5. In fact, all the villages are already using the said cart track to reach their respective villages. Therefore, during the year 2018, the third respondent submitted a proposal to the first respondent for taking up a link road from Palacode-Kaveripatinam Road to Chennampatty Village, for a length of 0.450 kms. Subsequently, the first respondent, by its communication dated 11.12.2017, granted administrative sanction pertaining to the year 2017-2018 under the Mahatma Gandhi National Rural Employment Scheme, at an estimated cost of Rs.2,56,000/-. Accordingly, the road runs through S.Nos.31/1B and 31/5A. Further, as per the revenue records, the said properties are classified as Bhoosthithi Vandipathai (cart track), and as such, there is no impediment to forming a road in the said properties.

6. Though the subject properties comprised in S.Nos.31/1B and 31/5A are patta lands belonging to the petitioner, which, as per the revenue records, are classified as Bhoosthithi Vandipathai (cart track), therefore, though it is a patta land, the petitioner cannot prevent the respondents from allowing the general public to use the said road and



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also to form a road. However, the second and third respondents are directed to follow the procedure in accordance with law before laying any road in the Bhoosthithi Vandipathai (cart track).

7. With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

11.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The District Collector,
Office of the District Collector,
Dharmapuri.
2. The Tahsildar,
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G.K.ILANTHIRAIYAN, J.

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