



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

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CORAM :

THE HON'BLE MR. JUSTICE M. SUNDAR
and
THE HON'BLE MR. JUSTICE R. SAKTHIVEL

W.P.No.6582 of 2023
and
W.M.P.No.6656 of 2023

K.Anbzhagan
S/o.Late Kaliappan

Petitioner

vs.

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Sub Collector
Dharmapuri
Dharmapuri District.
3. The Tahsildar
Karimangalam
Dharmapuri District.
4. Kaliyappan
S/o.Vedimooppan @ Vedyappan
5. Govindan
S/o.Vedimooppan @ Vedyappan
6. Arumugam
S/o.Vedimooppan @ Vedyappan

Respondents

Writ Petition filed under Article 226 of the Constitution of India,



praying for issuance of a writ of Certiorarified Mandamus to call for the records of the impugned proceedings passed by the 2nd respondent in Na.Ka.5911/2021/A5 dated 28.02.2022, quash the same and consequently, direct the respondents to allow the petitioner to use the 'Nilaviyal Padhai' as a 'Cart Track' in Survey Nos.178/2E and 178/3C to the total extent of 0.04.00 hectares of the Kelavalli Village, Karimangalam Taluk, Dharmapuri District.

For petitioner Mr.J.Pradeep
For respondents Mr.T.K.Saravanan
 Additional Government Pleader
 For R1 to R3

ORDER

(made by M. SUNDAR, J.)

Subject matter of the captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} is 'lands comprised in S.Nos.178/2E and 178/3C, both situate in Kelavalli (5) Village, Karimangalam Taluk, Dharmapuri District' {hereinafter 'said lands' for the sake of brevity, convenience and clarity}.

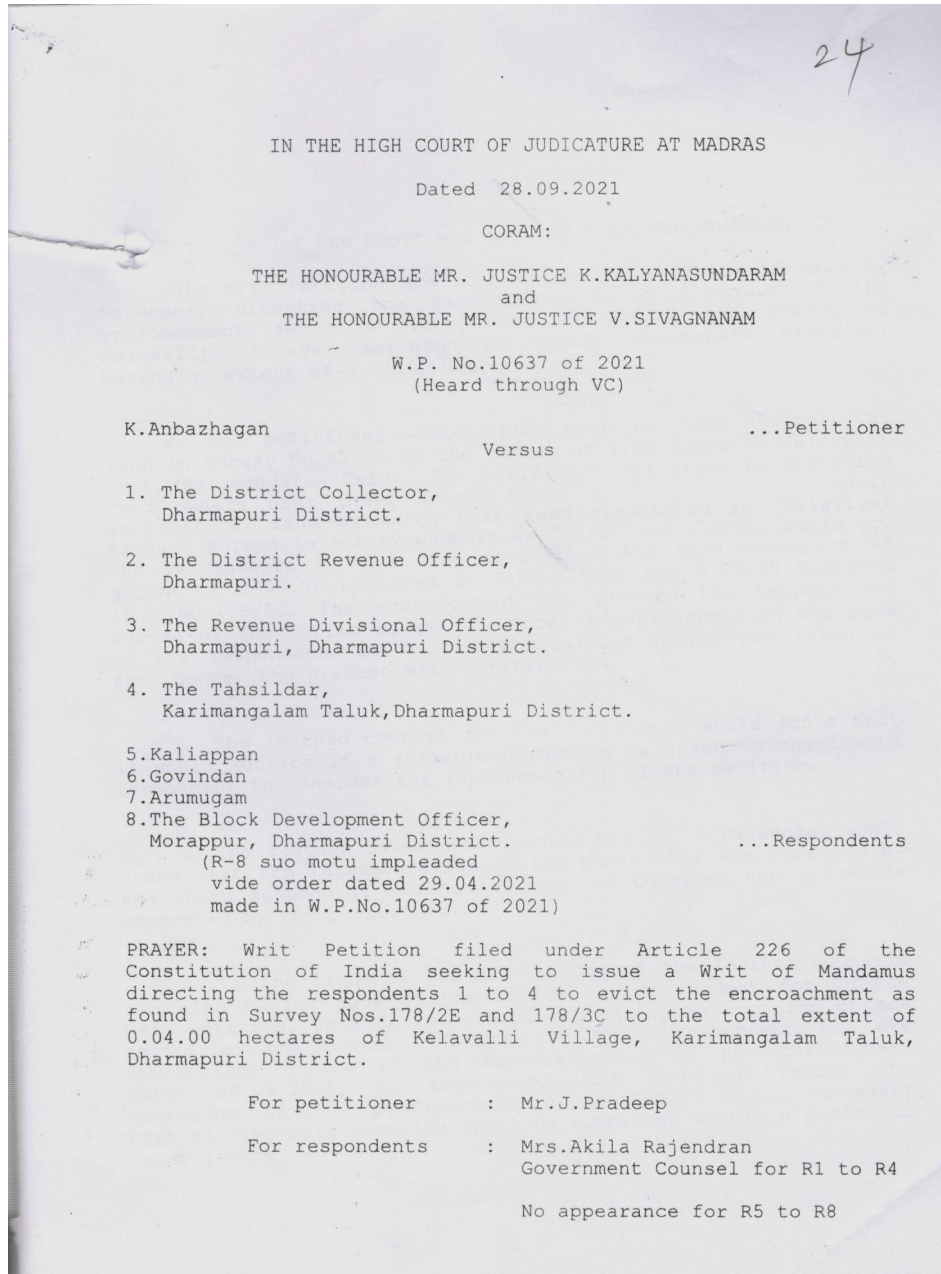
2. Mr.J.Pradeep, learned counsel on record for writ petitioner and Mr.T.K.Saravanan, learned Additional Government Pleader for official respondents (R1 to R3) are before us.

3. To be noted, captioned main WP has neither been admitted (Rule Nisi not issued) nor notice has been ordered to private respondents.

4. Writ petitioner came to this Court earlier with a 'Removal of



Encroachment' {'RoE'] prayer vide W.P.No.10637 of 2021 and this writ petition came to be disposed of by another Hon'ble Division Bench in and by an order dated 28.09.2021 which reads as follows:





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ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

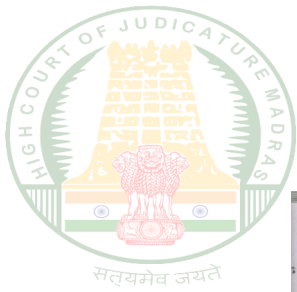
This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 4 to evict the encroachment as found in Survey Nos.178/2E and 178/3C of Kelavalli Village, Karimangalam Taluk, Dharmapuri District, having an extent of-0.04.00 hectares.

2. The petitioner would claim that he owns agricultural land in Survey No.177/3 to the extent of 1.63 acres in Kelavalli Post, Karimangalam Taluk. The petitioner and other neighbouring land owners have their access to their agricultural land by using cart road classified as "Nilaviyal Padhai" formed in Survey Numbers as 178/2E and 178/3C. While so, the respondents 5 to 7 have encroached the road measuring an extent of 0.03.00 hectares in S.No.178/2E and 0.01.00 hectares in S.No.178/3C. The encroachment has blocked the ingress and egress of the public movement. Hence, a representation was made to the respondents on 04.03.2021, but no action was taken so far. Hence, the present Writ Petition.

3. The learned counsel for the petitioner would state that it would suffice if a suitable direction is given to the fourth respondent to consider the representation of the petitioner.

4. The learned Government Counsel Mrs.Akila Rajendran would state that the representation of the petitioner was received by the third respondent and he is ready to consider the grievance expressed by the petitioner.

5. In the light of the submissions of the learned counsels and also taking note of the limited prayer sought for in the Writ Petition, this Court without expressing any opinion on the merits of the matter, directs the third respondent to take appropriate action on the representation of the petitioner, dated 04.03.2021, in accordance with law and remove the encroachment, after providing ample opportunity to all necessary parties. The said exercise shall be completed within a period of three months.



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W.P.No.6582 of 2023



26

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
L. Chandra S.P. 22
Superintendent
Copyist Department

r n s

To

1. The District Collector,
Dharmapuri District.
2. The District Revenue Officer,
Dharmapuri.
3. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.
4. The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.
5. The Block Development Officer,
Morappur, Dharmapuri District.

W.P. No.10637 of 2021

KV[co]
NSK 11/10/2021

5. Paragraph No.5 of the afore-referred judicial order is relevant but the writ petitioner has not chosen to enclose his representation dated 04.03.2021 adverted to in paragraph No.5 of the earlier judicial order.

6. Be that as it may, pursuant to the earlier judicial order, R2 has conducted an enquiry, heard the writ petitioner as well as private respondents and made an 'order dated 28.02.2022 bearing reference Na.Ka.5911/2021/A5' {hereinafter 'impugned order' for the sake of brevity,



convenience and clarity} *inter alia* holding that there is no impediment in public using said lands as footpath as they are patta lands which have been classified as 'Nilaviyil Pathai' in the revenue records.

7. Writ petitioner submits that he is not satisfied with the impugned order as according to writ petitioner said lands can be used as Vandipathai also (enabling automobiles to pass through). As already alluded to supra, captioned WP has neither been admitted nor notice has been ordered to private respondents. Learned State Counsel for official respondents has accepted notice on 06.03.2023 and R1 to R3 have filed a common counter affidavit dated 20.02.2024.

8. In the aforesaid backdrop, learned counsel for writ petitioner submitted that notwithstanding myriad grounds in the writ affidavit, he has predicated his campaign against the impugned order on one short point and that one short point is, R2 has proceeded on the basis that measurements qua said lands have not been mentioned in the official sketches whereas FMB (to be noted, 'FMB' denotes 'Field Measurement Book') extracts speak to the contrary. In support of his contention, learned counsel for writ petitioner drew our attention to FMB extracts and scanned reproduction of the same as placed before us are as follows:



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District : Dharmapuri

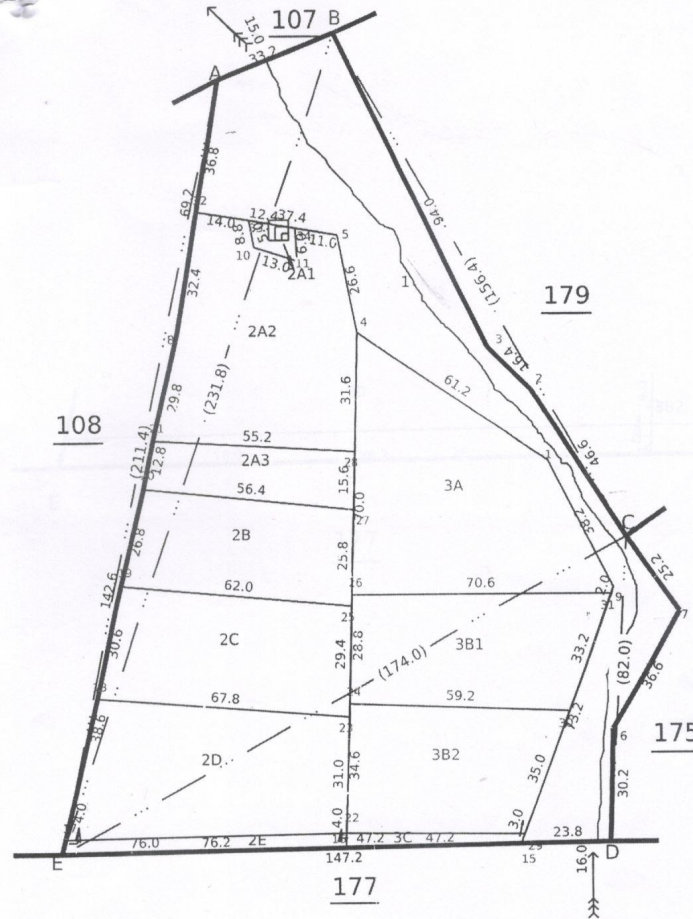
Survey No : 178

Taluk : Karimangalam

Area : Hect 02 Ares 16.50

Village : KELAVALLI [5]

Scale : 1 : 1253



Date of Issue: 05-03-2022 13:02:05

mv.240

Survey and Settlement Department, Government of TamilNadu

சென்னை மோர் அலுவலகம்
தமிழக அரசு
சென்னை

25



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W.P.No.6582 of 2023



20

District : Dharmapuri	Survey No : 178/2E
Taluk : Karimangalam	Area : Hect 00 Ares 3.00
Village : KELAVALLI [5]	Scale : 1 : 602

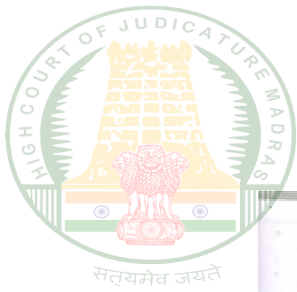
177

Date of Issue: 05-03-2022 13:15:02 mv.240

Survey and Settlement Department, Government of TamilNadu

M. S. Srinivasan
மேலாளர்
தமிழ்நாடு அரசு
புவியியல் துறை
செயலகம்

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W.P.No.6582 of 2023



2/

District : Dharmapuri

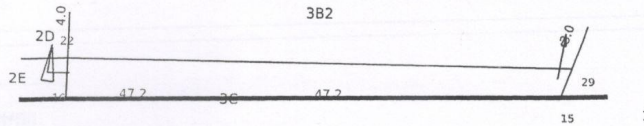
Survey No : 178/3C

Taluk : Karimangalam

Area : Hect 00 Ares 1.00

Village : KELAVALLI [5]

Scale : 1 : 422



177

Date of Issue: 05-03-2022 13:13:22

mv.240



Survey and Settlement Department, Government of TamilNadu

மேல்கண்ட சமீபம் அளவீடுகள்
அடிப்படையில் தபால் நிலைமைக்கு அனுப்பி
அளவீடு செய்யப்பட்டுள்ளது

27

9. To be noted, extracts of A-Register qua said lands have also been



placed before us and scanned reproduction of the same are as follows:

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அபதிவேடு விவரங்கள்

மாவட்டம் : தர்மபுரி
வட்டம் : காரிமங்கலம்
கிராமம் : 005 கெலவள்ளி

1. புல எண்	178	9. மண் வயனமும் சகமும்	7 - 1
2. உட்பிரிவு எண்	2E	10. மண் தரம்	3
3. பழைய புல உட்பிரிவு எண்	-2	11. தீர்வை (ரூ - ஹெ)	3.38
4. பகுதி	P	12. பரப்பு (ஹெக்டேர் - ஏர்)	0 - 3.00
5. அரசு / சபத்துவாரி	சபத்துவாரி	13. மொத்த தீர்வை (ரூ - பை)	0.10
6. நிலத்தின் வகை	பஞ்சை	14. பட்டா எண்	591
7. பரண ஆதாரம்	-	15. குறிப்பு	நிலவியல்பாதை
8. இரு போகமா	-	16. பெயர்	காளியப்பன்மற்றும 26பர்

குறிப்பு 1:

1. மேற்கண்ட தகவல் / சான்றிதழ் நகல் விவரங்கள் மின் பதிவேட்டிலிருந்து பெறப்பட்டவை. இவற்றை தாங்கள் <http://eservices.tn.gov.in> என்ற இணைய தளத்தில் 60585 என்ற குறிப்பு எண்ணை உள்ளீடு செய்து உறுதி செய்துகொள்ளவும்.

என்.செல்வன் மோ. ப.ஜெ.சி.என்
 மாவட்ட தயவு நிலைமை அலுவலர்
 காரிமங்கலம்

28



23

கிராமம் : 005 கெலவள்ளி

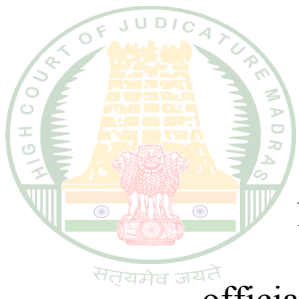
1. புல எண்	178	9. மண் வயனமும் ரகமும்	7 - 1
2. உட்பிரிவு எண்	3C	10. மண் தரம்	3
3. பழைய புல உட்பிரிவு எண்	-3	11. தீர்வை (ரூ - ஹெ)	3.38
4. பகுதி	P	12. பாப்பு (ஹெக்டேர் - எச்)	0 - 1.00
5. அரசு / ரயத்துவாசி	ரயத்துவாசி	13. மொத்த தீர்வை (ரூ - பை)	0.06
6. நிலத்தின் வகை	புஞ்சை	14. பட்டா எண்	929
7. பாசன ஆதாரம்	-	15. குறிப்பு	நிலவியல்பாதை
8. இலு பேரகமா	-	16. பெயர்	1.காளியப்பன்



1. மேற்கண்ட தகவல் / சான்றிதழ் நகல் விவரங்கள் மின் பதிவேட்டிலிருந்து பெறப்பட்டவை. இவற்றை தாய்கள் <http://eservices.tn.gov.in> என்ற இணைய தளத்தில் 60560 என்ற குறிப்பு எண்ணை உள்ளீடு செய்து உறுதி செய்துகொள்வார்.

M. சுவாமிநாதன்
தலைவர் தபால் நிலையம் அருகில்
அலுவல் - கி. 100

Page 11 of 15



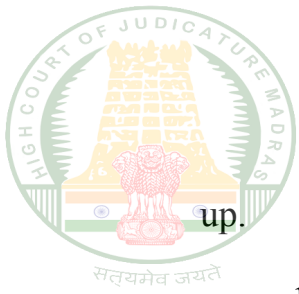
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11. Be that as it may, in the aforesaid common counter affidavit of official respondents, it has been made clear that revenue records and Village plan show said lands only as 'Pathway' and not 'Cart Track'. Paragraph No.5 of common counter affidavit of official respondents reads as follows:

'5. The fact is that the pathway passes through the patta land in S.Nos.178/2E and 178/3C of the respondents 4, 5 and 6. The entire extent is not classified as pathway. The pathway passes through the patta lands of the said 3 respondents and they do not object for the use of this pathway by the writ petitioner. But they refuse to allow to use the pathway as cart track which needs more width. In the village plan only pathway is marked and not cart track. Hence the writ petitioner could only use this way as pathway and not as cart track as claimed by him'

{underlining made by this Court for ease of reference}

12. In the light of the narrative thus far, keeping in mind, the scope of judicial review in a writ jurisdiction in matters of this nature, we have no difficulty in writing that we find no ground to interfere with the impugned order. As we are not interfering with the impugned order and as writ petitioner's campaign against the impugned order was predicated on only one point as already alluded to supra, captioned WP stands vastly de-scoped and in this view of the matter, with the consent of learned counsel for writ petitioner and learned State Counsel, main WP was taken



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13. We dispense with notice to private respondents as we are not interfering with the impugned order. In other words, i.e., to put it differently, this order does not impact rights of private respondents (R4 to R6) in any manner.

14. Be that as it may, the impugned order has been made by R2 pursuant to afore-referred judicial order dated 28.09.2021 made by another Hon'ble Division Bench in W.P.No.10637 of 2021. Therefore, this Court deemed it appropriate to give option to writ petitioner to file a revision under Section 13 of 'the Tamil Nadu Patta Pass Book Act, 1983 (Tamil Nadu Act 4 of 1986)' {hereinafter 'said Act' for the sake of brevity, convenience and clarity} by treating the impugned order as an order amenable to revision as R2 is higher than Tahsildhar in hierarchy. It is made clear that this will not serve as precedent as the impugned order has been made by R2 pursuant to an earlier judicial order. However, learned counsel for writ petitioner did not avail this option and choose to persist with the legal drill at hand i.e., assailing the impugned order by way of judicial review in writ jurisdiction. Therefore, we embark upon the legal drill at hand and it is in this context, we deem it appropriate to write that we have referred to the scope of judicial review in writ jurisdiction supra.



Ergo, the sequitur is captioned WP fails and the same is dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)
25.08.2025

mk

Index : Yes/No

NC : Yes/No

Speaking / Non-speaking order

To:

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Sub Collector
Dharmapuri
Dharmapuri District.
3. The Tahsildar
Karimangalam
Dharmapuri District.



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W.P.No.6582 of 2023

M. SUNDAR, J.

and

R. SAKTHIVEL, J.

mk

W.P.No.6582 of 2023

25.08.2025