



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 8002 of 2024

Dr.Vaiyapuri Shankar

Petitioner(s)

Vs

1. The District Collector
Dharmapuri District.

2.The District Revenue Officer
Dharmapuri District.

3.The Sub Collector
Dharmapuri District.

4.The Assistant Director
Department of Land and Survey,
Dharmapuri District.

5.The Village Administrative Officer
Baisuhalli Village,
Karimangalam Block,
Dharmapuri District.

Respondent(s)



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This Writ Petition has been filed under Article 226 of the Constitution of India, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.G8/1702/2022 dated 20.05.2022 and quash the same and consequently direct the 2nd respondent to conduct a fresh enquiry after giving opportunity to the petitioner.

For Petitioner(s): Mr.Krishnasamy Chinnasamy

For Respondent(s): Mr. P.Ganesan, G.A.

ORDER

This Writ Petition has been filed challenging the order passed by 2nd respondent dated 20.05.2022, confirming the order passed by the third respondent, thereby rejecting the request made by the petitioner seeking access to his agricultural land, through the pathway, which is available in the property comprised in Survey No.74 situated in Baisuhalli Village, Karimangalam Taluk, Dharmapuri District.



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2. The petitioner belongs to Schedule Caste Community and he purchased a land to an extent of 2 acres comprised in Survey No.74/3a situated at Baisuhalli Village, Karimangalam Taluk, Dharmapuri District. To access the said property there is a pathway through the property comprised in Survey No.74. Since the petitioner belongs to SC Community, the counter party, namely, one Sai Kannan, who belongs to other community put up fencing thereby preventing the petitioner to access the said land. Therefore, the petitioner could not cultivate his land. Hence, the petitioner submitted a representation before the third respondent. The third respondent conducted detailed enquiry and concluded that though a pathway is mentioned in the property comprised in Survey No.74/3a, as per the UDR register, there is no mentioning of cart track. It was also confirmed by the first respondent.

3. While pending Writ petition, the petitioner lodged a complaint and an FIR has been registered in Crime No.410 of 2021 alleging that the counter party



failed to remove fencing and is obstructing the petitioner from accessing his land by putting up a fence with an intention to practice untouchability. It was referred to initiate proceedings under Section 145 of Cr.P.C. to the file of Revenue Divisional Officer. The Revenue Divisional Officer conducted due enquiry and found that there is a cart track from the Panchayat road to connect the petitioner's land and this land comprised in Survey No.74/2 at Baisuhalli Village, Karimangalam Taluk, Dharmapuri District. Therefore, the private party Sai Kannan was directed to remove the fencing within a period of 7 days by an order dated 02.02.2024. The Revenue Divisional Officer after verification of revenue records and also on receipt of reports concluded that the counter party, namely, Sai Kannai, filed a suit in O.S.No.181 of 2022 to declare that the cart track mentioned in Survey No.74 as null and void and it is pending for adjudication on the file of the District Munsif Court, Palacode, Dharmapuri District. Till the disposal of the suit, as per the partition deed of the year 1979 and other revenue documents, it is declared that there is a cart track in Survey No.74 connecting Panchayat Road. Therefore, mere pendency of suit could not prevent the commuters of general public to use the cart track available in



Survey No.74 as per the revenue records. In Survey No.74/2 in Baisuhalli Village, Karimangalam Taluk, Dharmapuri District as per the revenue records, cart track is very much available. Thus it is clear that the respondents 2 and 3 without even verifying the revenue records rejected the request made by the petitioner.

4. In view of the above, the order passed by the respondents 2 and 3 dated 20.05.2022 and 27.04.2022 respectively cannot be sustained and liable to be set aside. Accordingly, the same is set aside and the petition is allowed.

5. However, the second respondent must ensure that the petitioner has access to his land comprised in Survey No.74/3a through cart track situated in survey No.74/2 in Baisuhalli Village, Karimangalam Taluk, Dharmapuri District from Panchayat Road. The second respondent is also directed to execute the order passed by the Revenue Divisional Officer, dated 02.02.2024 in



Na.Ka.No.4576/2023/a2 thereby directing Sai Kannan to remove the fencing put up in the land comprised in Survey No.74/2 and thus the petitioner has free access to his agricultural property through the cart track.

6. With the above directions, the Writ Petition is allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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