

W.P.No.19121 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.19121 of 2023

1.R.Thangavelu
2.Tmt.Arukkani

... Petitioner(s)

Vs.

1.The District Collector,
Namakkal District.

2.The Revenue Divisional Officer,
Namakkal District,
Namakkal.

3.The Tahsildar,
Paramathi Velur Taluk,
Namakkal District.

4.Ponnusamy

...Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioners' applications dated 28.04.2023 to survey the 15 ft East-West pathway situated between the S.No.61 of Devanampalaiyam Village and S.No.221 of Maniyanur Village, were used by the petitioners to access their land in S.No.58, Devanampalaiyam Village, Paramathi Velur Taluk, Namakkal District and include the same in FMB Sketch as per the decree of the Additional District Munsif Court, Namakkal in



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O.S.No.1082/1988 dated 30.04.1993.

(Survey Number in the prayer amended vide order dated 18.06.2025 made in W.M.P.No.29401/2023 in W.P.No.19121/2023 by this Court.)

For Petitioner(s) : Mr.V.Elangovan

For Respondent(s) : Mr.A.Selvendran for R1 to R3
Special Government Pleader

Mr.R.Marudhachalamurthy for R4

ORDER

In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to 4th respondent is dispensed with.

2.The present writ petition is filed praying for a Writ of Mandamus to direct the 1st respondent to consider the petitioners' applications dated 28.04.2023 to survey 15 ft East-West pathway situated between S.No.61 situated at Devanampalaiyam Village and S.No.221, situated at Maniyanur Village, stated to be used by the petitioners to access their land in S.No.58, situated at Devanampalaiyam Village, Paramathi Velur Taluk, Namakkal District and to include the same in FMB Sketch as per the decree of the Additional District Munsif Court, Namakkal in O.S.No.1082/1988 dated 30.04.1993.



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3.It is submitted by the learned counsel for the petitioners that the land comprised in S.No.58, measuring an extent of 5.77.50 hectares, situated at Devanampalaiyam Village, Paramathi Velur Taluk, Namakkal District belonged to petitioners and joint patta No.218 was obtained from the 3rd respondent in respect of the above property. It is submitted that East-West pathway measures 15 ft. situated between S.No.61 situated at Devanampalaiyam Village and S.No.221, situated at Maniyanur Village were used by the petitioners to access their land in S.No.58. Initially there was some dispute over above pathway between petitioners father viz., Rasappan and one Kaliammal and others. Subsequently, Rasappan filed a suit in O.S.No.1082 of 1988 before the Additional District Munsif Court, Namakkal against Kaliammal and others for relief of declaration of easement right by prescription and permanent injunction, the same was allowed by the Trial Court on 30.04.1993. Aggrieved by the above order, the said Kaliammal and others preferred an appeal in A.S.No.23 of 1994 before the Sub Court, Namakkal, the same was dismissed by the First Appellate Court on 31.03.1999.

4.It is further submitted by learned counsel for petitioner that 4th respondent herein is the one of the defendants in above suit and

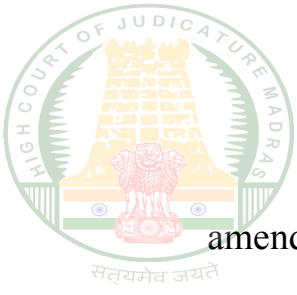


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continues to obstruct/hinder petitioners access to the pathway. It is submitted that petitioner submitted a representation dated 28.04.2023 to the respondents to survey the subject property and amend the FMB sketch as per the decree passed by the Additional District Munsif Court, Namakkal dated 30.04.1993 in O.S.No.1082/1988. The above representation has not been considered by the respondents 1 to 3 till date. Aggrieved by the same, the present writ petition has been filed.

5.At the outset, learned Special Government Pleader for respondents 1 to 3 would submit that the petitioners may have to submit an online application for survey and amendment of FMB sketch. He would further submit that if any online application is submitted in the appropriate manner/prescribed format and after paying appropriate fees, the same would be considered and appropriate orders would be passed in accordance with law within a time frame to be fixed by this Court, which was agreed to by the learned counsel for petitioner.

6.In view thereof, the writ petition stands disposed of with liberty to the petitioners to submit an online application for survey and



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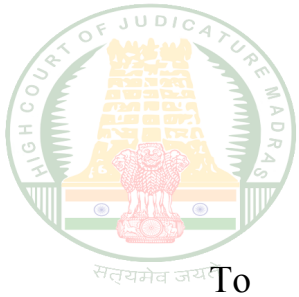
amendment of FMB sketch of the subject property in appropriate manner

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in prescribed format and on payment of appropriate fees. If any such application is filed by the petitioner, the concerned respondent shall consider and dispose of the same in accordance with law after affording reasonable opportunity of hearing to the petitioner, 4th respondent, adjacent land owners and any other interested party/rival claimants, if any, within a period of 8 weeks from the date of filing of such application by the petitioner. It is made clear that this Court has not expressed any views with regard to the merits of the matter and it is open to the concerned respondent to consider the application on its own merits and in accordance with law. No costs.

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Index : Yes/ No
Speaking / Non Speaking Order
Neutral Citation: Yes/No
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MOHAMMED SHAFFIQ, J.

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