



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2025

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CORAM:

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

Writ Petition No.36378 of 2023
and WMP No.36380 of 2023

1. Kannupaiyan

2. Santhi

3. Karthikeyan

4. Dhivya

... Petitioners

Vs.

1. The District Collector,
Salem District.

2. The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Sankari, Salem District.

3. The Tahsildar,
Edapaddi Taluk,
Salem District.

4. The Assistant Director of Panchayats,
Collectorate,
Salem District.



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5. The Block Development Officer,
Office of Block Development,
Konganapuram,
Edappadi Taluk, Salem District.

6. The Villlage Administrative Officer,
Koranampatty Village,
Edappadi Taluk,
Salem District.

7. The President of Panchayat,
Koranampatty Village,
Edappadi Taluk,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Mandamus, forbearing the respondents in laying the Tar Road in the petitioners patta land connected to patta Nos.268, 269, 4286, 2566, 1747, 2443 & 2604 comprised in S.F.Nos.129, 130, 131, 132 & 133 situated at Koranampatty Village, Edapaddi Taluk, Salem District by considering the petitioners' representation dated 23.12.2023.

For Petitioners : Mr.A.Yogaraj
for Mr.R.Marudhachalamurthy

For Respondents : Mr.L.S.M. Hasan Fizal,
Additional Govt. Pleader, for RR1 to 6

Mr.A.Selvendran,
Special Government Pleader, for R7



ORDER

The petitioners claim that they are the owners of the property situated in Survey No.130/2A, 132/2 and 133/2B of Koranampatty Village, Edappadi Taluk, Salem District. They claim ownership by virtue of Sale Deeds, insofar as Survey No.130/2C and the fourth petitioner claims a right on the basis of a registered Settlement Deed dated 21.10.2022.

2. The grievance of the Writ Petitioner is that the seventh respondent President of the Koranampatty Village Panchayat, without any right, is attempting to lay a road over SF Nos.129, 130, 131, 132 and 133 of the aforesaid Village. When the Writ Petition came up for hearing, I entertained the same and granted an order of interim injunction restraining the respondents from laying a road over these survey numbers. Despite the interim injunction granted, the respondents have proceeded further and had laid a road. Hence, the Contempt Petition in Contempt Petition No.3115 of 2024 was presented.

3. Taking note of the violation of the order, I initiated contempt and



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directed the seventh respondent to appear before the Court. The seventh respondent appeared and stated that Survey No.130 belongs to one of the petitioners and admitted that a road had been laid over the same. The seventh respondent undertook to remove the road so laid.

4. By an order dated 06.01.2025, I recorded the fact that the road over Survey No.130 had been removed, but not over the property situated in Survey No.129. This was on the basis of the representation made by Mr.Manikandan. The seventh respondent filed a counter stating that the property situated in Survey No.129 belongs to one Muthu Naicker and not to the writ petitioners. Taking note of this submission, I directed the contempt to be listed along with the Writ Petition.

5. The Registry has listed both the Contempt Petition as well as the Writ Petition for hearing today.

6. A perusal of the typed set of papers shows that while the respondents concede to the title of the writ petitioner insofar as the Survey

4/8



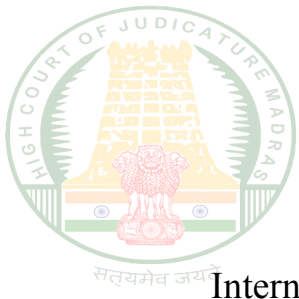
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No.130 is concerned, they stoutly resist the title insofar as the Survey No.129 is concerned. When disputed question of title arises, it would not be appropriate on part of this Court to probe into the same by way of a Writ Petition. The writ petitioner cannot assert a title, which has to be proved by oral and documentary evidence. The jurisdiction of the Civil Court is always open for the petitioners to invoke.

7. In the light of the above discussion, the Writ Petition is partly allowed. There shall be a mandamus against the respondents that they shall not lay a road over Survey No.130 of Koranampatty Village, Edappadi Taluk, Salem District. The Writ Petition will stand dismissed insofar as Survey No.129 is concerned. The dismissal of the Writ Petition will not prevent the petitioner to approach the jurisdictional Civil Court and claim title, if they so desire. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

19.09.2025

jv



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Internet : Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking order/Non Speaking order

To

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2. The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Sankari, Salem District.
3. The Tahsildar,
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Salem District.
4. The Assistant Director of Panchayats,
Collectorate,
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W.P.No.36378 of 2



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W.P.No.36378 of 2



V. LAKSHMINARAYANAN, J.

jv

Writ Petition No.36378 of 2023

19.09.2025

1/2