



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.15294 of 2024

and

W.M.P(MD)Nos.13410, 13412, 13413 and 15781 of 2024

1.Rathinakumar

2.Sundareshwaran

3.Arjunan

...Petitioners

Vs

1. The District Collector,
O/o.the District Collector,
Sivagangai District.

2. The District Revenue Officer,
Sivagangai District,
Sivagangai

3. The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai District.

4. The Tahsildhar,
Thirupuvanam Taluk,
Sivagangai District.

5. The Block Development Officer,
Thirupuvanam Panchayat Union,
Sivagangai District.

6. Muthurakku



7. Sooran

(R7 is impleaded vide Court order dated 13.10.2025 in WMP(MD)No.13966 of 2024 in WP(MD)No.15294 of 2024)

8. Bose

(R8 is impleaded vide Court order dated 13.10.2025 in WMP(MD)No.13924 of 2024 in WP(MD)No.15294 of 2024)

9. Susella

10. Kala

11. Prema

12. Prakash

13. Bhuvaneshwari

14. Diya

(Minor Rep through her guardian and next friend, the Mother, the 11th Respondent)

(R9 to R14 are impleaded vide Court order dated 04.12.2025 in WMP(MD)No.27374 of 2025 in WP(MD)No.15294 of 2024)

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.E4/34346/2023 dated 07.06.2024 and quash the same and consequently forbear the 1 to 5 respondents from laying any road through the petitioners' land situates in Survey No.46/6 and 46/12, reclassified as Survey No.46/45 in Athikarai Village, Thirupuvanam Taluk, Sivagangai District.



For Petitioner : M/s.P.Jessi Jeevapriya

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader
for R1 to R4
Mr.B.Saravanan
Additional Government Pleader
for R5
Mr.V.Malaiyendran for R6
Mr.M.Ganesh for R7
Mr.D.Senthil for R8
Mr.S.I.Muthiah for R9 to R14

ORDER

The present writ petition has been filed challenging an order of the first respondent dated 07.06.2024 wherein a 10 feet width pathway has been created as an easementary rights in favour of the private respondents in several survey numbers.

2. According to the learned counsel appearing for the writ petitioner, S.Nos.46/6 and 46/12 which have been re-classified as S.No.46/45 in Athikaranai Village, Thiruppuvanam Taluk, Sivagangai District is their private property and there is no Nilaviyal pathai in the said survey numbers.



3. The learned counsel appearing for the 6th respondent has filed a memo dated 25.11.2025 before this Court. The said memo is recorded.

4. The 6th respondent in the present writ petition has filed in W.P(MD)No. 1520 of 2022 as a public interest litigation seeking a mandamus directing the revenue officials to lay a permanent road in S.Nos.46/20, 40/24, 46/25, 46/26, 46/31 and 46/31A1 in Athikarai Village, Thirupuvanam Taluk, Sivagangai District, by removing the encroachment made by the 5th respondent therein, namely, P.Ramakaran. The Hon'ble First Bench by way of an order dated 31.08.2023 had issued a direction to the District Collector, Sivagangai to consider the report of the Revenue Divisional Officer, Sivagangai and after hearing the 5th respondent therein and other interested persons and take a decision with regard to the availability of the road or otherwise. In paragraph No.4 of the said order, it is specifically pointed out that in case, the petitioner therein was enjoying the right of way in a private land then that would come within the purview of the easementary right which certainly has to be proved before the civil Court.

5. After a direction was issued to the District Collector, Sivagangai, in W.P.(MD)No.1520 of 2022, the District Collector has proceeded to pass the



present impugned order on 07.06.2024 based upon the report of the Revenue Divisional Officer and hearing the writ petitioner in W.P(MD)No.1520 of 2022.

A perusal of the impugned order shows that the District Collector has declared that the 6th respondent herein(Muthurakku) and others are having a right of easement in a pathway of 10 feet width in S.Nos.46/20, 46/24, 46/25, 46/26, 46/31A1, 46/45, 46/12A and 46/12B.

6. A perusal of the impugned order of the District Collector would clearly indicate that the parties who are interested in these survey numbers have not been issued with any notice. That apart, some other survey numbers which were not mentioned in the order dated 31.08.2023 in W.P(MD)No.1520 of 2022 have also been included in the impugned order. In fact, in paragraph No.7 of the order in W.P(MD)No.1520 of 2022 clearly points out that other interest persons should also be heard before passing orders.

7. The hearing of the writ petitioners is all the more essential in view of the fact that the first petitioner is having patta in Patta No.624 for S.No.46/12C for a extent of 0.4.00 ares (10 cents). The second and third petitioners in the present writ petition are having joint patta along with Samidurai, Dharmalingam and Meenakshi. It could be seen from the records that the 2nd and 3rd petitioners



and the respondents 7 and 8 are having joint patta in patta No.478 for survey numbers which are covered in the impugned order.

8. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the first respondent. The first respondent is directed to hear all the parties who are having patta in their names or in their ancestors names with regard to survey numbers in dispute before passing the order. In the meantime, status quo shall be maintained.

9. The first respondent is directed to dispose of the matter within a period of 12(twelve) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected writ miscellaneous petitions are also closed.

11.12.2025
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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

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