



W.P.(MD)No.17497 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.17497 of 2023

V.S.Baskar Raja.

... Petitioner

Vs.

1. The District Collector
Tenkasi, Tenkasi District.
2. The Assistant Director,
Survey and Land Records,
District Survey Office,
Tirunelveli District.
3. Sankarankovil Municipality,
Represented by its Commissioner,
Sankarankovil, Tenkasi District.
4. The Tahsildar
Sankarankovil Taluk,
Tenkasi District.
5. Sokkammal
6. Arumugam
7. Muthukumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents 1 to 4 to make



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necessary correction in the FMB Sketch in respect of government poromboke pathway in Town Survey No. 21, Block 3, Ward A Sankarankovil Part I, Sankarankovil Town and Taluk, Tenkasi District and restore the town Survey No. 21, to its original position.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1,2 &4
: Mr.B.Brijesh Kishore for R7

ORDER

I have heard Mr.R.J.Karthick, the learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1, 2 &4 and Mr.B.Brijesh Kishore, learned counsel appearing for the seventh respondent.

2. The primordial contention of the petitioner is that survey No.21 has been surveyed finally and designated as a 'pathway'. According to the petitioner, there is an access from the main road through survey No.21 is to reach his property.



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3. However, it is the contention of the official respondents as well as the 7th respondent that at the southern end of the said survey No.21, it stretches only up to patta land which belongs to fifth respondent from whom the 7th respondent purchased a portion of the said property. Therefore, the objection of the official respondents as well as private respondents is that the pathway linking the main road cannot be made available without demolishing the buildings that have been constructed by respondents and moreover, it is a patta land.

4. Mr.R.J.Karthick, learned counsel for the petitioner would submit that the survey No.21 connects the Highway and there is no obstruction and there is no necessity to pull down any construction.

5. At the same time, the learned counsel for the seventh respondent would submit that after subdivision, the seventh respondent constructed a compound wall, safeguarding his property.

6. In view of the above, it would be suffice to direct the respondents 2 to 4 to conduct a physical inspection and survey the



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subject lands and if it is found that the FMB sketch, needs correction to extend the lands in survey No.21, meeting the Highways and if it is possible without affecting the property of the respondents 5 to 7, then such exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order. However, if it is found that it is not possible to extend the lands in the pathway to meet the main road, in view of the property of the respondents 5 to 7 coming in between, then it is open to the petitioner to seek redressal for the grievances before the competent civil Court.

7. In fine, this Writ Petition is allowed. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

LS

Order made in
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