



W.A(MD)No.2369 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A(MD)No.2369 of 2025

and

CMP (MD) No.13316 of 2025

Mohammed

... Appellant

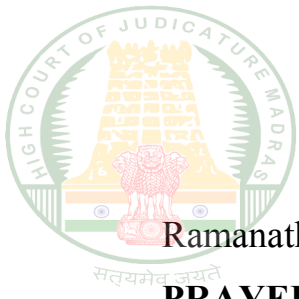
Vs.

1. N.Thaha Khan,
S/o. Naina Mohammed, 2/33, Quide
Millath Street, Periyapattinam,
Keelakkarai Taluk,
Ramanathapuram District.

2. The District Collector,
O/o. District Collectorate,
Ramanathapuram.

3. The Revenue Divisional Officer,
Periyapattinam Taluk,
Periyapattinam,
Ramanathapuram District.

4. The Tahsildar,
Periyapattinam,



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Ramanathapuram District.

...Respondents

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Appeal, to set aside the order passed in W.P.(MD) No.10320 of 2025 dated 16.04.2025.

For Appellant : Mr.P.Vadivel
For R1 : Mr.P.Mohamed Suhail
for M/s.Ajmal Associates

For R2 – R4 : Mr.Veerakathiravan
Additional Advocate General
assisted by
Mr.M.Sarangan
Additional Government Pleader

JUDGMENT

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

We have heard the learned counsel appearing for the petitioner; Mr.P.Mohamed Suhail, learned counsel appearing for the first respondent and Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.M.Sarangan, learned Additional Government Pleader appearing for the respondents 2 to 4.

2. The writ appeal has been instituted challenging the order dated 16.04.2025 passed in W.P.(MD) No.10320 of 2025.



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3. The writ petition has been instituted to direct the respondents to mutate pata in respect of the land in Survey No.74/8, measuring to an extent of 0.60.0 hectares of Periyapattinam Village, Keelakkarai Taluk, Ramanathapuram District.

4. Mr.Veerakathirvan, the learned Additional Advocate General appearing on behalf of the State would contend that as per revenue records, the subject land is classified as “Vandi Paadhai i.e., Cart Track”. It is to be made use for the public at large and encroachments are identified. However, an interested person filed a writ appeal claiming that it is a public pathway which has been encroached upon. However, the learned Additional Advocate General would submit that a civil Court decree has been obtained without placing all the revenue records and the said decree is obstructing the authorities to pass appropriate final orders, as per the revenue records in force. As far as the public roads are concerned, if any decree is running counter to the original revenue documents, then the authorities are bound to act in consonance with the original revenue records.



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5. The learned counsel for the first respondent/writ petitioner would oppose by stating that admittedly the civil Court degree as confirmed by the appellate courts are operating against the State. The learned counsel for the appellant would submit that as per the original revenue records, it is a public street and therefore, the authorities ought to have been allowed to take a decision on merits and in accordance with law.

6. A perusal of the writ order impugned states that the writ petition was disposed of with the direction to the District Collector to pass orders on the representation submitted by the first respondent on merits and in accordance with law, since the learned Single Judge directed the District Collector to adjudicate the issues on merits and take decision, it is unnecessary to entertain the present intra-court appeal filed.

7. In view of the facts and circumstances, the District Collector shall adjudicate the issues by affording opportunity to all the parties and verify the revenue records and take a decision on merits and in accordance with law and pass speaking orders as expeditiously as possible. Any person is aggrieved, from and out of the decision taken by the District Collector, is at liberty to approach the



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competent civil Court of law for resolving the issues.

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8. With the above directions, the order passed by the Writ Court stands modified. The writ appeal stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) & (G.A.M., J.)
18.08.2025

NCC : Yes / No
Index : Yes / No
PKN

To

1. The District Collector,
O/o. District Collectorate,
Ramanathapuram.

2. The Revenue Divisional Officer,
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Periyapattinam,
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