



W.P(MD)No.20191 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.20191 of 2023

and

W.M.P.(MD)No.16659 of 2023

S.Muthaiah

...Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The District Adi Dravidar and Tribal Welfare Officer,
Tirunelveli, Tirunelveli District.

3.The Special Tahsildar,
(Adi- Dravidar Welfare),
Nanguneri, Tirunelveli District.

4.The Land Surveyor,
Nanguneri, Tirunelveli District.

5. Jaya

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus, to call for the records



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pertaining to the impugned order passed by the 3rd respondent in Na.Ka.A5/2023 dated 19.07.2023 and to quash the same as illegal and consequently, to direct the respondents not to prevent the free access of the petitioner in East-West 15 feet width pathway passing from S.No.1004/2 to his property situated at S.No.973 in North Valliyur Bit-I, Kootaiyadi Village, Tirunelveli District.

For Petitioner	: Mr.S.Pandiyaraj
For R1 to R4	: Mr.M.Lingadurai Special Government Pleader
For R5	: Mr.C.K.M.Appaji
Advocate Commissioner	: Mr.S.A.Iniyavan Abdulla

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the 3rd respondent in Na.Ka.A5/2023 dated 19.07.2023 and consequently, to direct the respondents not to prevent the free access of the petitioner in East-West 15 feet width pathway passing from S.No.1004/2 to his property situated at S.No.973 in North Valliyur Bit-I, Kootaiyadi Village, Tirunelveli District.

2. The contention of the petitioner is that the property in S.No.973 to an extent of 1 acre 88 cents was settled under Settlement Deed No.2529 of 2008, which was executed by the petitioner's father Subramani on 26/08/2008. Out of



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“one acre 88 cents”, the petitioner has sold a portion of the land to various persons in the years 2009, 2011, 2012 and 2013 and executed a settlement deed in favour of his wife Sornalatha in respect of 94 cents. The remaining extent of 60 cents of land is still under the ownership of petitioner and the petitioner is in possession of the same. In the year 2009, the petitioner had constructed a house in the land and was in possession without any interference.

3. The contention of the petitioner is that the easiest pathway is a 15 feet pathway situated in S.No.1004/2 and that is continuing now also which is in the petitioner's land in S.No.973. The petitioner is using the said pathway for the past 30 years. However, the said S.No.1004/2 to an extent of 1 acre 90 cents was acquired for Adi Dravida Welfare. On 19.05.2000, the third respondent issued patta for each person 3 cents totally to 30 persons and marked as Plot Nos.1 to 30 in S.No.1004/2. Again on 15/12/2013, the third respondent allotted each 2 cents of land for 10 beneficiaries in Plot Nos.31 to 40. Further, on 10/03/2017, Plot Nos.41 and 42 each 2 cents of land and 3 cents for Plot No.43 was allotted. The Plot No.43 is allotted to the 5th respondent. While granting patta for Plot No.43, the respondents have included the pathway in Plot No.43 and has granted patta, thereby the petitioner's pathway is blocked. Hence, the present writ petition is filed to quash the impugned order and to direct the respondents not to prevent the



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4. The 5th respondent has filed a counter affidavit stating that the 5th respondent is entitled to Adi Dravidar patta under the scheme wherein all the persons were granted 3 cents of land. Therefore, the 5th respondent also was granted three cents land in Plot No.43. Hence, the allegation of the petitioner that patta is granted by encroaching the pathway is not correct. For which, he relied on the patta granted to other persons which were admittedly 3 cents. Therefore, the 5th respondent submitted that the claim by the petitioner cannot be entertained and prayed to dismiss the writ petition.

5. In order to ascertain whether the pathway is available dehors the patta issued to the extent of 3 cents, an Advocate Commissioner was appointed. The Advocate Commissioner visited the spot and submitted that the petitioner is entitled to the pathway. If the plot No.43 is measured with 2 cents, then the petitioner would get the pathway. Further, a portion of the pathway is in S.No. 1007. Therefore, if both S.Nos.1004/2 and 1007 are put together, a pathway is available. Now, the pathway in S.No.1004/2 is blocked by granting 3 cents to the to the 5th respondent. Therefore, the allegations made by the petitioner seems to be correct.



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6. However, the learned Counsel appearing for the 5th respondent vehemently objected stating that he is entitled to 3 cents and the other beneficiaries are also entitled to 3 cents. If a pathway is created and given to the petitioner, then his 3 cents will be diminished. The said contention cannot be accepted for a sole reason since the pathway in existence both in S.No.1007 and S.No.1004. Infact the length and width of the road is 49x5, which is covering in S.No.1007, then in S.Nos.1004/1A1, 1B1, A2, 1C. Therefore, the entire stretch is a pathway. A pathway should be always a pathway wherein access should be granted to all persons. Therefore, the contention of the 5th respondent cannot be accepted. Further it is seen some of them were given only 2 cents of land and some of them were granted 3 cents. The 5th respondent is coming under the category of 2 cents holder. Even though the plots are allotted to Adi Dravidar Community, the pathway is common for all persons and access cannot be denied to any person.

7. Therefore, this Court is convinced with the contention of the petitioner. Therefore, the official respondents are directed to rectify the patta issued to the 5th respondent by reducing the extent to two cents and leave the rest of the portion as pathway.

8. With the above observations, this Writ Petition is allowed. There



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shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

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S.SRIMATHY, J.

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**ORDER MADE IN
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