



W.P.(MD)No.31055 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.31055 of 2024

Kannan

... Petitioner

/Vs./

1.The District Collector,

District Collector Office,

Virudhunagar District.

2.The Revenue Divisional Officer,

Aruppukottai, Virudhunagar District.

3.The Thasildar,

Kariyapatti Taluk,

Virudhunagar District.

4.Malayandi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to conduct enquiry and dispose the petition filed by the petitioner dated 19.09.2024 by reclassify the land in S.No.200/7 as pathway in Arasakulam Village, Kariyapatti Taluk, Virudhunagar District within a time frame fixed by this Court.



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For Petitioner : Mr.N.Jeyaram Sidharth

For Respondents : Mrs.K.Malathi
Additional Government Pleader for R1-3

: Mr.V.Jeyaprakash for R4

ORDER

The petitioner seeks limited relief of issuance of Writ of Mandamus, to direct the respondents 2 and 3, to conduct enquiry and dispose the petition filed by the petitioner dated 19.09.2024, to reclassify the land in S.No.200/7 as pathway in Arasakulam Village, Kariyapatti Taluk, Virudhunagar District.

2. Heard the learned counsel for the petitioner as well as the contesting fourth respondent.

3. It is the case of the petitioner that the lands in S.No.200/7 were originally classified as 'pathway', which was being used by the general public in the village. However, the said survey number has been assigned and patta has been issued in favour of the fourth respondent, without subdivision being carried out.



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4. According to the petitioner, the fourth respondent is attempting to fence the lands pursuant to the patta issued to him and if the fourth respondent succeed on his attempts, the petitioner will not have any access to his property. Therefore, he made a representation to the respondents 2 and 3, to conduct an enquiry and to pass orders reclassifying the lands in Survey No. 200/7 as 'pathway'.

5. Per Contra, the learned counsel for the fourth respondent would submit that the petitioner has access from two other side, namely, South and North and the patta issued in favour of the fourth respondent in the year 2022, is based on records and same does not call for any interference or modification.

6. The learned Additional Government Pleader would submit that the free house site patta was issued in patta No.523 in favour of the wife of the fourth respondent, viz., Mrs.Dhanalakshmi and in view of the representation made by the writ petitioner, necessary enquiry is being conducted and the fourth respondent has also given consent for



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reclassification of concerned lands. However, the learned counsel for the fourth respondent disputes any such consent having been issued by the fourth respondent's wife.

7. In view of the above, it would be just and proper to direct the second respondent to enquire into the matter and pass orders.

8. The Revenue Divisional Officer / second respondent shall afford an opportunity of personal hearing to the petitioner as well as the fourth respondent and also take into account the existence of any alternate pathways for the petitioner to access his property and thereupon decide whether there is any necessity to classify the lands in survey No.200/7 7 as a 'pathway' and shall pass final orders in accordance with law, after considering the respective contentions advanced by the petitioner and the fourth respondent. The said exercise shall be completed within a period of eight (8) weeks from today.



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9. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
LS

19.02.2025

TO:-

- 1.The District Collector,
District Collector Office,
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- 2.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
- 3.The Thasildar,
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P.B. BALAJI, J.

LS

Note: Issue order copy on 26.02.2025

Order made in
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Dated:
19.02.2025