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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 20612 of 2026
CNR:{HCMA011156122026}

Case QR

AND

WMP Nos. 22166, 22170 and 36565 OF 2026

K.C.Moorthy
S/o.Late Chellakutti, Karaikattupudur,
Sivanmalai Village, Kangayam Taluk, Tiruppur
District.

..Petitioner

Vs

1. The State Rep. by the Additional Chief Secretary to Government,
   Revenue and Disaster management Department, secretariat, Chennai – 600009.

2. The District Collector
   Collectorate, Palladam Road,
   Tiruppur - 641604.

3. The Revenue Divisional Officer
   Dharapuram, Tiruppur District.

4. The Revenue Tahsildar
   Kangayam taluk, Tiruppur District.

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5. K.Balasubramanian
S/o.karuppasamy gounder, 17/82,
ponmuthu nagar 3rd street, Nallur -
641604, Tiruppur District.

..Respondent(s)

Prayer : Writ Petition under Article 226 of Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders dated (i) dated 23.02.2026 (received on 23.05.2026) made in GO (Ms.) No.248 passed by the 1st respondent, confirming the (ii) impugned order dated 21.09.2025 made in Na.Ka.18236/2023/Aa3 passed by the 2nd respondent, confirming the (iii) impugned order dated 22.05.2025 made in Ni.Mu.538/2025/E passed by the 3rd respondent, confirming the (iv) impugned order dated 24.05.2024 made in Na.Ka.No.720/2023/A9 passed by the 4th respondent, quash the same and consequently forbear the respondents from interfering with the petitioners patta land measuring 36 cents in RS No.455/4, sivanmalai village, kangayam taluk, tiruppur district, pending disposal of the suit in O.S.No.110 of 2025 on the file of the learned sub-court, Kangeyam.

For Petitioner : Mr.N.Manoharan

For Respondent(s): Mr.K.Surender
Special Government Pleader – for R1 to R4

Mr.W.Clement Jonathanivan for R5

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(Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been instituted challenging the order passed by the Revenue Tahsildar, Kangayam Taluk in proceedings dated 24.05.2024 confirmed by the District Collector vide order dated 21.09.2025 and the Government Order issued in G.O.Ms.No.249, Revenue and Disaster Management Department dated 23.02.2026, confirming the decision of the Revenue Tahsildar and the District Collector.

2. The issue raised in the writ petition rests on the public right to pathway in Patta land in the context of the Revenue Standing Order (RSO) No.26 Clause 15. The writ petitioner claims that the subject land is a Patta land and he is the Pattadhar. The 5th respondent erroneously claims that it is "Nilaviyal Paathai" as per the plan marked detail and therefore the said land vests with the Government and is to be treated as public pathway. The Revenue Tahsildar conducted an enquiry and formed an opinion that the subject property is classified as 'Nilaviyal Paathai' as per the plan marked detail and therefore it is to be treated as

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public pathway and initiated action for removal of obstructions / encroachments.

3. The District Collector conducted an enquiry independently and confirmed the decision of the Tahsildar. The revision filed before the Government was also decided on merits. A perusal of the Government Order would show that the writ petitioner appeared before the Additional Chief Secretary to the Government on 23.12.2025 along with his advocate and defended his case. Thus, the rules of natural justice has been followed. The Government Order issued in G.O.Ms.No.248 states that the Government verified the revenue records and as per the records and the plan marked detail, the subject property has been classified as 'Nilaviyal Paathai' and therefore it is to be treated as Public Pathway in view of RSO 26 Clause 15. The findings of the Government are categorical with reference to the revenue records placed before the Government.

4. Learned counsel for the petitioner would submit that a suit for declaration has been instituted by the petitioner in O.S.No.110 of 2025 on the file of the Sub Court, Kangayam. If at all the petitioner claims

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any right contrary to the revenue documents considered by the Government, it is for him to establish the same before the civil court. As far as the present writ petition is concerned, the subject land admittedly stands in the name of the petitioner and is a Patta land.

5. In this regard, Clause 25 of the Revenue Standing Order 26 (RSO 26) reads as under:

> *"15.Encroachments on plan-marked details:-- A plan-marked channel or pathway running in a patta land is a Government land. Eviction of encroachment in such lands need be invoked only in cases where the encroacher has interfered with the plan marked detail so as to close its entrance to and exit from his lands. In the case of pathways and cart tracks which have been used by the public till recently, the ryot should not be allowed to shift the course of the details to suit his own convenience.*

6. In view of Clause 15, removal of encroachment in plan marked channel or pathway running in a patta land can be enforced if the pattadhar interfered with the plan marked detail so as to close its entrance and exit from his land. The very purpose and object of marking

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Nilaviyal Paathai, Cart track etc., in a Patta land is to ensure that other land owners should have access to reach their lands for agricultural purposes or for any other purpose. In the event of causing obstruction by the patta holder, it will result in restraining the other owners to reach their land that being the very purpose of RSO 26 Clause 15, public interest in this regard has to be protected.

7. Learned counsel for the 5th respondent furnished a copy of the plan marked detail which would show that survey was conducted in the year 1950 under the provisions of Tamil Nadu Survey and Boundaries Act, 1923 and the particular portion of the subject land has been earmarked as Nilaviyal Paathai ie., Public Pathway and therefore the obstruction caused by the petitioner sought to be removed.

8. The revenue records and plan marked details are considered by the Revenue Tahsildar, District Collector and the Government elaborately in the context of the dispute raised between the parties. The petitioner, in addition, filed a civil suit for declaration which is pending. Under these circumstances, this Court is of the considered view that in

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respect of the plan marked detail, the changes marked as pathway within the said portion of the Patta land, possession vests with the Government, and that being so it is to be treated as public pathway and any encroachment by third party or obstruction by the Pattadhar has to be removed and the pathway is to be protected for the benefit of people using that pathway.

9. With the above observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (R.R.V.,J.)
04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Additional Chief Secretary to Government, Revenue and Disaster management department, secretariat, Chennai – 600009

2. The District Collector
Collectorate, Palladam road,
Tiruppur - 641604.

3. The Revenue Divisional Officer
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