



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 28955 of 2024

1. Govindasamy

2. M.Karthik

3. Kavitha

..Petitioner(s)

Vs

1. The Collector
Vellore Collectorate Office, Vellore District,
Vellore- 632 007.
2. The Block Development Officer
Block Development Office, Katpadi Taluk,
Vellore District- 632 007.
3. The Superintendnet Engineer
Tangedco, Katpadi Taluk,
Vellore Taluk- 632 007.
4. The Junior Engineer
Tangedco, Katpadi Taluk,
Vellore Taluk- 632 007.
5. The Tahsildar
Taluk Office, Katpadi Taluk,
Vellore Taluk- 632 007.
6. The Panchayat President
Kizmottur Village, Pallikuppam Post, Katpadi
Taluk, Vellore Taluk- 632 007.



7. The Commissioner,
Vellore Corporation, Vellore.
(R7-impleaded As Per Order Dated 14.10.2024
In Wp.28955/2024)

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of mandamus to direct the Respondents to remove the unauthorised road laid over the agricultural holding of the petitioners situated in their patta land bearing S.No. 256/2A, 256/2B and 256/2C situated in Kizmottur village, Katpadi Taluk, Vellore district and direct the 2nd and 3rd respondents to remove the Electricity pillar over the agriculture land.

For Petitioner(s): Mr.A.G.Vedavikas for
Mrs.V.Srimathi

For Respondent(s): Mr.T.Arun Kumar
Additional Government Pleader for R1,2,5&6
Mr.S.Madhusudanan
Standing Counsel for R3&4
Mr.P.S.Prabhu
Standing Counsel for R7

ORDER

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

Writ petition has been instituted directing the respondents to remove the unauthorised road laid over the agricultural holding of the petitioners situated in their patta land bearing S.No. 256/2A, 256/2B and 256/2C situated in Kizmottur village, Katpadi Taluk, Vellore district and direct the 2nd and 3rd respondents to remove the Electricity pillar over the agriculture land.



2. Learned counsel for the petitioner would mainly contend that the subject land is a patta land, and the authorities have allowed the public to use the said portion of the subject land as road. Therefore, the present writ petition is to be considered.

3. Learned Additional Government Pleader appearing for the respondents would oppose by stating that subject land is being used as a road by the public at large for the past more than 100 years.

4. Even a cart tract in a patta land is meant for public usage and now a metal road has also been laid and people are using it for long years. In this regard a status report filed by the 5th respondent is extracted hereinunder,

“...7) I submit that about 30 years back, the said cart track was converted into metal road by the Local panchayat, considering the heavy traffic in the said road. Now after inclusion of Katpadi Village in Vellore corporation, the Vellore Corporation renewed the subject road one year back and arranged lighting facilities for the benefit of the people of Pallikuppam Keelmottur Village.

8) I submit that there is a Government Stadium and the Military Canteen in the area. The said subject road is the only way to reach the stadium, Military Canteen, agricultural lands and the burial ground for the people of Pallikuppam Keelmottur Village.



9) I Submit that the land in S.No.256/2C is one among the several patta and poramboke lands in which the subject road is passing for more than 100 years. Originally the land in S.No.256/2 was measuring 3.44 acres in the name of P.Muttan as per Resurvey and Resettlement Register 1916. The Cart Track was existing prior to 1916 in the land in S.No.256/2. The original owner should have relinquish his right over the subject land at the time of formation a public road. Thereafter there were many transactions in the land in S.No.256/2 and many sub divisions made in the lands according to enjoyment and valid documents. Now the subject land measuring 0.08.0 (20 cents) hectare in new Survey No.256/2C stands in the names of Mani and Govindasarni S/o. Thiruvengada Gounder in Patta No. 1526 of Katpadi Village. Though the subject land stand in joint holdings, the pattadars or his legal heirs did not produce any valid document and land tax receipt showing that the road portion belong them, since the road portion is separately sub divided as S.No.256/2C in Patta No. 1526 of Katpadi Village, Vellore District.

10) It is advised to summit that as per the Revenue standing order 26 (15) which is read as follows:



"Encroachments on plan Marked details:- A plan marked channel or pathway running in a patta land is a government land. Eviction of encroachments in such lands need to 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. However, Such diversions of plan marked channel from its original course, with a view to consolidate his holding or to facilitate irrigation of the portions which would be otherwise severed need not be treated as encroachment.

11) I submit that the subject land (S.No.256/2C) is not under the possession and enjoyment of the pattadars it is under use as road for the past 100 years."

5. In view of the report stating that the said road is being used as a public road for more than 100 years, the relief as such sought for by the petitioner deserves no merit consideration. If petitioner claims any civil right, he is at liberty to approach the competent Civil Court of law.



6. Accordingly, writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

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(S.M.S.,J.) (K.S.,J.)
11-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

To

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Vellore District- 632 007.
3. The Superintendent Engineer
Tangedco, Katpadi Taluk, Vellore Taluk- 632
007.
4. The Junior Engineer
Tangedco, Katpadi Taluk, Vellore Taluk- 632
007.
5. The Tahsildar
Taluk Office, Katpadi Taluk, Vellore Taluk-
632 007.
6. The Panchayat President
Kizmottur Village, Pallikuppam Post, Katpadi
Taluk, Vellore Taluk- 632 007.
7. The Commissioner,
Vellore Corporation, Vellore.



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**S.M.SUBRAMANIAM, J.
AND
K.SURENDER, J.**

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