



W.P(MD)No.2721 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.P(MD)No.2721 of 2026

Chandra

... Petitioner

VS.

1.The District Collector/Monitoring Committee,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sattur Taluk,
Virudhunagar District.

3.The Tahsildar,
Sattur Taluk,
Virudhunagar District.

4.The Block Development Officer,
Sattur Panchayat Union,
Sattur, Virudhunagar District.

1/10



W.P(MD)No.2721 of 2026

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5.The Panchayat Secretary,
Pethureddipatti Village Panchayat,
Sattur, Virudhunagar District.

6.Vetrivel Murugan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to mutate the revenue records pertaining to the land in Survey No.119/3C1G in Pethureddipatti Village, N.Subbaiahpuram, Sattur Taluk, Virudhunagar District which had been reserved for pathway as public street/public pathway considering the petitioner's representation dated 03.11.2025.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.D.Sasi Kumar (R1 to R3)
Additional Government Pleader

: Mr.S.P.Maharajan (R4)
Special Government Pleader

: Mr.M.Kannan (R6)

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner has filed the present Writ Petition seeking a direction to the respondents 1 to 3 to mutate the revenue records pertaining to the land in Survey No.119/3C1G, situated at Pethureddipatti Village,

2/10



W.P(MD)No.2721 of 2026

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N. Subbaiahpuram, Sattur Taluk, Virudhunagar District, which is alleged to have been reserved as a public pathway/street, based on the petitioner's representation dated 03.11.2025.

2.The petitioner claims absolute ownership and possession of land measuring 4 cents in Survey No.118/5D at Pethureddipatti Village, along with a residential house, derived through a Settlement Deed dated 25.01.2012. It is stated that the petitioner, along with other residents, has been using a 14 feet wide pathway in Survey No.119/3C1G for ingress and egress, which was originally laid out by the erstwhile landowner while developing the property into housing plots and selling the same through various registered sale deeds from the year 1988 onwards.

3.The said pathway, though not formally classified in the revenue records as a public street, is claimed to have been continuously used by the public. According to the petitioner, certain basic amenities such as cement road, drainage, and water facilities have also been provided. It is the



W.P(MD)No.2721 of 2026

WEB COPY

contention of the petitioner that once land is earmarked for common/public use in a layout and acted upon, it assumes the character of a public street, irrespective of its classification in the revenue records.

4.It is further alleged that the sixth respondent, due to prior enmity arising out of an earlier civil dispute in O.S. No.25 of 2019, has encroached upon the said pathway by constructing a wall, thereby obstructing access to the petitioner's property as well as to other residents.

5.Despite repeated representations made by the petitioner, the official respondents have not taken action to remove the alleged encroachment, citing that the land continues to be recorded as private property in the name of the original owner.

6.Aggrieved by such inaction, the petitioner has approached this Court under Article 226 of the Constitution of India, seeking reclassification of the pathway as a public street and consequential removal of the alleged encroachment.

4/10



W.P(MD)No.2721 of 2026

WEB COPY

7.The third and fourth respondents have filed a status report.

8.The learned Special Government Pleader submitted that the land in Survey No.119/3C1G stands registered in the name of a private individual, namely Venkidasamy Naicker, under Patta No.521, and has not been classified or transferred as a public street in favour of the Government or Local Authorities. It is submitted that the said land remains private property and is neither under the control nor maintained by the Government or the local body. Hence, no direction can be issued as sought by the petitioner.

9.It is further submitted that, upon personal inspection, the fourth respondent found that the subject land is being used as a private area and no developmental works, such as laying of a concrete road or paver blocks, have been carried out by the authorities. The alleged obstruction is stated to be within private patta land, and therefore, no action can be taken on the petitioner's representation dated 03.11.2025.

5/10



W.P(MD)No.2721 of 2026

WEB COPY

13.On a perusal of the materials available on record, it is evident that the subject property in Survey No.119/3C1G stands in the name of a private individual, namely Venkidasamy Naicker, and has not been classified as a public street nor conveyed in favour of the Government or local authorities. In the absence of such conveyance or statutory vesting, the land continues to retain its character as private property.

14.It is well settled that mutation of revenue records cannot be directed in writ proceedings when disputed questions of title or civil rights are involved. Further, the petitioner seeks to assert a right of pathway over the said property, which is essentially in the nature of an easementary right. Such rights require adjudication on evidence before a competent civil court.

15.Moreover, it is not in dispute that a civil suit between the parties is already pending in O.S.No.25 of 2019 on the file of the learned District Munsif, Sattur. In such circumstances, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India,



W.P(MD)No.2721 of 2026

WEB COPY

particularly when an effective alternative remedy is available to the petitioner. The relief sought by the petitioner involves determination of disputed facts and private rights, which cannot be adjudicated in writ jurisdiction.

16. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

[N.S.K.,J.] [M.J.R.,J.]
02.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
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W.P(MD)No.2721 of 2026

WEB COPY

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WEB COPY



W.P(MD)No.2721 of 2026

N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

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ORDER MADE IN
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10/10