

Supreme Court of India

Sakthi Coop. Industrial Estate vs Kursheed Begum And Ors. on 13 December, 1996

Equivalent citations: (1998) 8 SCC 528

Bench: K Ramaswamy, G Nanavati

ORDER

1. Leave granted.

2. This appeal by special leave arises from the judgment of the High Court of Madras dated 10-9-1996, made in SA No. 479 of 1996. The admitted position is that the appellant has formed a cooperative society of an industrial estate, obtained the layout sanction from the Gram Panchayat in respect of Surveys Nos. 74/1, 2, 3, 78/1, 3, 79/1A1 etc. After formation of the industrial structures, roads have been laid in terms of the layout. The appellant has claimed the status of those roads to be their exclusive private property since they have established the Society under the provisions of the Cooperative Societies Act, 1912 and that, therefore, they do not stand vested in the Gram Panchayat. We hold that the stand taken by the appellant is not correct in law. Section 175 of the T.N. Panchayats Act, 1958 reads thus: "175. All roads, markets, wells, tanks, reservoirs and waterways vested in or maintained by a Panchayat or a Panchayat Union Council shall be open to the use and enjoyment of all persons, irrespective of their caste or creed."

3. It would thus be seen that all roads etc. stand vested in the Gram Panchayat amenable to public purpose. Thereby the roads formed by the appellant-Society stand vested in the Gram Panchayat and belong to the Gram Panchayat for public purpose.

4. The appeal is accordingly dismissed. No costs.