

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.10149 of 2015

and M.P.No.1 of 2015

J.Jinendran

..
Petitioner

Versus

1. The District Collector,
Collectorate Office, Vellore.
2. The Tasildar,
Taluk Office, Arcot.
3. The Commissioner,
B.D.O. Office, Timiri Village,
Arcot Taluk.
4. The Block Development Officer,
Timiri Village, Timiri.
5. The President,
Vazhaipandal Village Panchayat,
Vazhaipandal, Arcot Taluk.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the respondents from dispossessing the petitioner from the property situated in Arcot Taluk, Vazhaipandal Village, S.No.145/1, Ac.0.25 without following the due process of law.

For Petitioner : Mr.D.Ravichander
For R1 to R3 : Mr.RAS.Senthilvel, AGP
For R4 to R5 : Mr.M.S.Ramesh, AGP

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner claims that the property in survey No.145/1, Vazhaipandal Village, Arcot Taluk, originally belonged to his forefathers and the said property along with other properties were partitioned between his father and his brother, by way of a registered Partition Deed dated 21.03.1959 and consequent upon the said partition, lands in survey No.145/1 and other properties were allotted to the share of his father and he was in peaceful

possession of the suit and subsequently, the land admeasuring 0.63cents in survey No.145/1 were divided and an extent of 0.26cents was allotted to the share of the brother of the petitioner's father and the remaining extent was allotted to his father. The petitioner further claims that his father as well as his brother with noble and laudable object thought it fit to donate some property in favour of the school in Vazhaipandal Village and a deed of registration was also registered on 13.02.1960 and it was also accepted and acted upon.

3. It is the case of the petitioner that on account of wrong classification/measurements, the Revenue authorities have given patta in favour of the School in S.No.146/1, though it is a private property and the registered Donation Deed also discloses that the land admeasuring an extent of 0.14cents was only donated in favour of the school.

4. The petitioner came forward to file this writ petition alleging that now, attempts are being made to lay the road on the above said property belonging to the petitioner, without recourse to due process of law and in this regard, he has submitted series of representations dated 19.03.2015 to the respondents and though the office of the Revenue Divisional Officer, vide memo, has directed the Tahsildar, Arcot to conduct enquiry with regard to the correction made in UDR in survey No.145/1, without doing so, attempts are being made to dispossess the petitioner.

5. Mr.D.Ravichander, learned counsel appearing for the petitioner, vehemently contended that the respondents without resorting to due process of law, are taking emergent steps to lay the road and hence prays for protection from dispossessing him and thereby laying the road.

6. Mr.RAS.Senthilvel, learned Additional Government Pleader, who accepts notice for the respondents 1 to 4 would submit that on account of the revenue classification, the road is sought to be laid.

7. This Court, taking into consideration, the above facts and circumstances, is of the view that it would be suffice to direct the second respondent/Tahsildar, Arcot, to take into consideration the application submitted by the petitioner for making correction in the UDR patta in survey No.145/1.

8. Though, the petitioner prayed for a larger relief, this Court is of the view that the above said course would meet the ends of justice.

9. In the result, the writ petition is disposed of and the second respondent is directed to consider the petition dated 26.08.2013 for change/effecting corrections in UDR patta in survey No.145/1 and after putting the concerned persons on notice, dispose of the same within a period of four weeks from the date of receipt

of a copy of this order and till then, shall not dispossess the petitioner. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The District Collector,
Collectorate Office, Vellore.
 2. The Tasildar,
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Arcot Taluk.
 4. The Block Development Officer,
Timiri Village, Timiri.
 5. The President,
Vazhaipandal Village Panchayat,
Vazhaipandal, Arcot Taluk.
- +1 cc to M/s.D.Ravichander, Advocate, SR.19643
- +1 cc to Government Pleader, SR.19691.

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krd 16/4



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