

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.8.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.2610 of 2016
and
W.M.P.Nos.2183 and 22341 of 2016

K.R.Ravi

Petitioner

Versus

1 The District Collector
Collectorate Vellore.

2 The Tahsildar
Katpadi Vellore District.

3 The Commissioner
Vellore City Municipal Corporation
Vellore.

4 M.Vedavendan

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the 3rd respondent in Roc No.519/2015/F1 and to quash the order dated 13.11.2015 and the consequential order dated 10.12.2015 made therein and to direct the respondents from interfering with the petitioner's use and enjoyment of his western lane of his property being Door No.86, Thiruvalluvar Street, Tharapadavedu, Katpadi, Vellore District by demolition or otherwise.

For petitioner : Mr.T.M.Hariharan

For R1 and R2 : Mr.P.S.Sivashanmugasundram,
Special Govt. Pleader

For R3 : Ms.P.Shanthi

For R4 : Mr.M.Margabandhu for
M/s.D.Malarvizhi

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ petition has been filed seeking issuance of a writ of certiorarified mandamus calling for the records of the 3rd respondent in Roc No.519/2015/F1 and to quash the order dated 13.11.2015 and the consequential order dated 10.12.2015 made therein and to direct the respondents from interfering with the petitioner's use and enjoyment of his western lane of his property being Door No.86, Thiruvalluvar Street, Tharapadavedu, Katpadi, Vellore District by demolition or otherwise.

3. The petitioner is before this court challenging the order of the Commissioner of Vellore City Municipal Corporation, the third respondent for removal of the encroachment alleged to have been made by the petitioner in the lane under dispute. According to the petitioner, the property belongs to him as per the deed settled in his favour and also the passage belongs to him whereas, on the other hand, the fourth respondent wants to have access over the passage for which the petitioner has got objection on the ground that there is a defect while marking the entry in the revenue records and as such the passage may not be made available to the fourth respondent and it belongs exclusively to him and it is not a public passage.

4. In this regard, if the fourth respondent wants to have any claim over the property, it is for the District Revenue Officer to find out as to whether the property in question exclusively belongs to the petitioner and there is a mistake in the entry at the relevant point of time or whether it is made available for the public use and especially whether the fourth respondent has got any right to have access over the disputed property.

5. In the circumstances, while disposing of the writ petition, we direct the petitioner and the fourth respondent to appear before the District Revenue Officer on 14.9.2016 and the District Revenue Officer shall look into the matter, with the aid of revenue records, and take a decision on merits and in accordance with law after hearing the petitioner as well as the fourth respondent. The writ petition is disposed of

accordingly. No costs. The connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The District Collector
Collectorate Vellore.
 - 2 The Tahsildar
Katpadi Vellore District.
 - 3 The Commissioner
Vellore City Municipal Corporation Vellore.
- +1 cc to Mr.R.Margabandhu Advocate sr 48802
+2 ccs to Mr.T.M.Hariharan Advocate sr 48702
+1 cc to Government Pleader sr 48666

W.P.No.2610 of 2016

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