

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.15444 of 2019

K.Madeswaran

.. Petitioner

/versus/

1.The District Revenue Officer,
O/o.the District Revenue Officer,
Krishnagiri, Krishnagiri District.

2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

3.The Tahsildar,
O/o.the Tahsildar,
Uthangarai Taluk,
Krishnagiri District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents to remark the road in S.No.63/1A to reach NH 66 instead of old road running through S.No.63/1B and issue fresh sketch, computer patta and Chitta on the basis of the petitioner's representation dated 03.12.2018 within a time frame.

For Petitioner : Mr.K.Aswin

For Respondents : Mr.J.Purushothaman
Govt.Advocate

O R D E R

Heard the learned counsel for the petitioner.

2. The case of the petitioner is that, in the year 1965, his parents purchased the property at Venkatathampatti Village in Survey No.63/1 vide registered sale deeds in Doc.No.359/1995 dated 15.04.1965 and Doc.No.649/1966 dated 11.05.1966. The total extent of land is 6.85 Acres.

3. The said land as per the "A" Register after UDR Scheme sub divided into S.No.63/1C1A, 63/1A and 63/1B and joint patta was issued in the name of his father and mother. Since there was several small rocks in S.No.63/1A, the private road running in S.No.63/1A were marked crossly and running into S.No.63/1B to reach NH 66. The said road was altered and straightened from North to South by the petitioner by spending about 5 lakhs. Thereafter, he has given a letter along with his brother to modify the road as found in the field and issue fresh sketch, computer patta and Chitta based on the representation given by them.

4. The 1st respondent vide communication dated 28.12.2018 directed the 3rd respondent to take appropriate action on the representation of the petitioner dated 03.12.2018 and to submit report. Till date the 3rd respondent has not taken any action and submit report to the 1st respondent. The petitioner was made to run from pillar to post to get the field sketch corrected and to get proper documentation of his property. Hence, the present writ petition.

5. The learned Additional Government Pleader took notice on behalf of the respondents and today he reports that the road which referred by the petitioner was laid by the Block Development Office. Once the petitioner submits NOC from the Block Development Office that the road is not used for the public purpose, action will be taken on the request of the petitioner.

6. Admittedly the land belongs to the petitioner and the road according to the petitioner is a private road. For convenience and the reasons stated in the affidavit, the petitioner has altered alignment of the road and improved it. The dispute is regarding the person who has laid the road whether the petitioner or the respondent-local body. In any event, the request of the petitioner to measure the land and prepare the sketch as per the field cannot be denied for the reason stated by the learned Additional Government Pleader in the course of the arguments. Hence, the writ petition is allowed. No costs.

7. The 3rd respondent is hereby directed to act upon the communication of the 1st respondent dated 28.12.2018 and submit the report to the 1st respondent and send a copy to the

petitioner herein within a period of six weeks from the date of receipt of copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

1.The District Revenue Officer,
O/o.the District Revenue Officer,
Krishnagiri, Krishnagiri District.

2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

3.The Tahsildar,
O/o.the Tahsildar,
Uthangarai Taluk,
Krishnagiri District.

+1cc to M/s.Dass & Viswa Association, SR.82378

+1cc to the Government Pleader SR.82800

W.P.No.15444 of 2019

RSV(CO)
CB(01/11/2019)

सत्यमेव जयते

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