

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:08.11.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.18244 of 2019

A.Subramaniyan

.. Petitioner

/versus/

1.The District Collector,
District Collector Office,
Cuddalore,
Cuddalore District.

2.The Sub-Collector,
The Sub-Collector Office,
Virudhachalam,
Cuddalore District.

3.The Thasildar,
Veppur Taluk Office,
Veppur,
Cuddalore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent with respect to order in Moo.Mu.(A4) 3670/2018, dated 11.12.2018 passed by the 2nd respondent and quash the same and consequently direct to the respondents herein to issue patta in the name of the petitioner in respect of an extent of 178 sq.mtr comprised in S.F.No.576/10 situated at Periyanesulur Village, Veppur Taluk, Cuddalore District.

For Petitioner :Mr.D.Muthuselvam

For Respondents:Mr.N.Inbanathan, AGP

for R1 to R3

O R D E R

This Writ Petition has been filed praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent with respect to order in Moo.Mu.(A4) 3670/2018, dated

11.12.2018 passed by the 2nd respondent and quash the same and consequently direct to the respondents herein to issue patta in the name of the petitioner in respect of an extent of 178 sq.mtr comprised in S.F.No.576/10 situated at Periyanesulur Village, Veppur Taluk, Cuddalore District.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.The petitioner and his pangali have purchased each three cents of land and had constructed the residential houses for their convenience. They have left a lane for their free access. The said lane falls in S.F.No.576/10 situated at Periyanesulur Village. In the revenue record, the said lane has been classified as "Sandhu". Hence, the petitioner has made a request to reclassify it as "Natham" patta land. While the Village Administrative Officer, Revenue Inspector and Tahsildar have recommended for re-classification, the Sub Collector, who is the second respondent herein has declined the request of the petitioner citing that if the pathway is reclassified as patta land, it may lead to law and order problem.

4.The petitioner and his neighbour are the absolute owners of the said extent of land, by valid purchase of the the land. They have constructed houses and left open space for free access. By classifying it as "Santhu" and refusing to issue patta to the lane does not appear to be proper. The Village Administrative Officer, Revenue Inspector and the Tahsilder of that area, after inspection had recommended to change the classification from "Santhu" to "Patta" land. In view of the fact that the said portion in S.No.576/10 is part and parcel of the composite land purchased by the petitioner and his cousin Rayappan.

5.While so, when there is no material to infer that the pathway is used as a public lane and if the patta is given to the petitioner, it will cause law and order problem, the Sub Collector on his own has declined to accept the report of the Revenue Officials in the field. Just because in the UDR scheme, the portion earmarked by the petitioner is shown as Santhu, the second respondent has blindly refused to consider the request of the petitioner.

6. Hence, the order of the 2nd respondent dated 11.12.2018 is quashed. The second respondent is directed to apply his mind afresh and pass appropriate orders based on the records and reports from the Revenue Inspector and Tahsildar.

7. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

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Cuddalore District.

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The Sub-Collector Office,
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Cuddalore District.

3.The Thasildar,
Veppur Taluk Office,
Veppur,
Cuddalore District.

+1cc to Mr.D.Muthuselvam, Advocate sr.93112
+1cc to Government Pleader SR.NO. 93380

W.P.No.18244 of 2019

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nr 13/12/2019