

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.9157 of 2020
& WMP No.11169 of 2020

C.Periyasamy Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Kesavalu Nagar, V.O.C. Nagar,
Kallakurichi-606 202.

2.The Sub Collector,
O/o the Sub Collector,
Kallakuruchi-606 202.

3.The Tahsildar,
O/o the Tahsildar,
Salem Main Passage,
Chinnasalem-606 201.

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to forbear the respondents 1 to 3 from any manner converting the Darisu land in S.No.102/1, Vettiperumalagaram Village, Chinnasalem Taluk, Kallakurichi District used as common passage/mud road connecting Thottiyum and Namachivayapuram village into natham land and grant free patta to any third persons and to take steps to convert the said mud road into tar road.

For Petitioner

.. Mr.R.Gopinath

For Respondents

.. Mr.G.K.Muthukumar,
Spl. Government Pleader

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This public interest litigation has been filed by the petitioner seeking two reliefs, the first relief is with respect to the assignment of patta in favour of their parties and the second one is on the alleged conversion of the Government land which is being used as pathway for the abovesaid purpose.

2. On instructions, the learned Special Government Pleader submitted that out of 2.81.0 hectares, only a small portion has been earmarked for the purpose of granting patta for the landless poor in terms of the Government Order. They are only five in numbers. Therefore, the apprehension of the petitioner has got no factual basis. On the second issue sought to be raised by the learned counsel for the petitioner, the learned Special Government Pleader submitted that about 22 feet would be left out to be used as pathway, which is being done as of now.

3. In view of the abovesaid submissions, we do not find any specific order is required to be passed. The learned counsel for the petitioner has fairly submitted that if that is the case, the petitioner will not have any grievance insofar as the issuance of patta to the landless poor persons.

4. Taking into consideration of the fact that 22 feet, which is being used as pathway is a mud road, we direct the localbody viz., Namachivayapuram Panchayat and the 1st respondent to see that the said road is converted into a tar road, as admittedly the villagers and the nearby land owners are using the same from time immemorial.

5. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

raa/kmk

To

1.The District Collector,
Office of the District Collector,
Kesavalu Nagar, V.O.C. Nagar,
Kallakurichi-606 202.

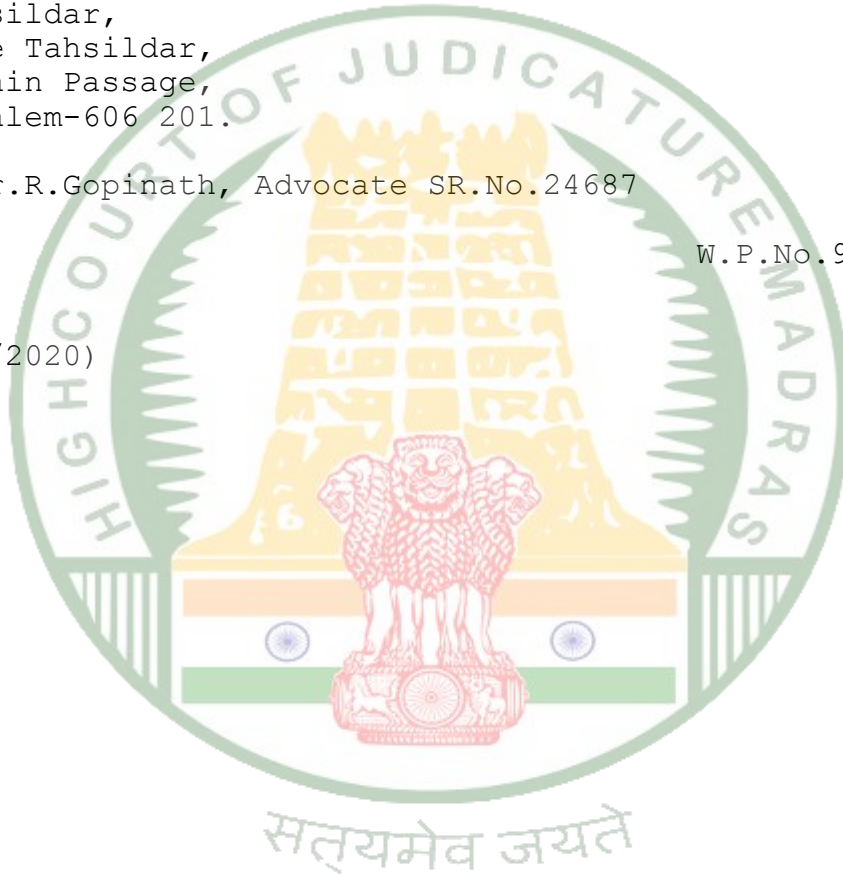
2.The Sub Collector,
O/o the Sub Collector,
Kallakuruchi-606 202.

3.The Tahsildar,
O/o the Tahsildar,
Salem Main Passage,
Chinnasalem-606 201.

+lcc to Mr.R.Gopinath, Advocate SR.No.24687

W.P.No.9157 of 2020

VSN II(CO)
GMY(28/07/2020)



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