

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.8710 OF 2020

AND

W.M.P.NOS.10563 AND 10564 OF 2020

Pannerselvam,
S/o.Late Gopalakrishnan,
Brahmapuram Village,
Katpadi Taluk, Vellore District.

... Petitioner

versus

1. The District Revenue Officer,
Sathuvachari, Vellore - 632 009.
2. The Sub Collector,
Vellore, Vellore District.
3. The Inspector of Police,
Katpadi Police Station, Katpadi.
4. N.Kuppusamy
No.167, Thiruvalluvar Street,
Brahmapuram Village,
Katpadi Taluk.

... Respondents

Prayer:

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 second respondent dated 18.09.2019 in Pa.Mu.(A2)/4735/2018 and quash the same and further direct restoration of the revenue registers as if stood before the impugned order of the second respondent dated 18.09.2019 in Pa.Mu.(A2)/4735/2018 and grant such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.Babu

For Respondents : Mr.J.Ramesh, AGP

O R D E R

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with the present Writ Petition for a Certiorarified Mandamus, calling for the records of the second respondent dated 18.09.2019 in Pa.Mu.(A2)/4735/2018 and quash the same and for consequential relief.

3. It is the case of the petitioner that he and the fourth respondent are coparceners. The property in R.S.No.360, Brahmapuram Village, Katpadi Taluk, Vellore District is an ancestral property and the same was divided among the four sons of one Kuppamanthri, who is the grandfather of the petitioner and the eastern boundary of the same was earmarked as common pathway, which is evident from the sale deeds dated 11.11.1928, 22.03.1963 and 25.06.1990. Such being the position, without any authority, the second respondent by order dated 18.09.2019, effected mutation of revenue records by recovering the common pathway (mentioned as Government Poramboke) and placing it under the entitlement of the fourth respondent thereby deciding the interse title to R.S.No.330/6, Sub-Division 51 of Brahmapuram Village, Katpadi Taluk, Vellore District between the petitioner and the fourth respondent. Challenging the same, the petitioner filed an appeal before the first respondent on 30.09.2019, besides preferring a suit in O.S.No.10 of 2020 before the District Munsif Court, Vellore. Due to lock down on account of COVID-19 crisis, he is unable to pursue the same. Taking advantage of the order impugned herein, the fourth respondent, with the assistance of the third respondent, is now attempting to put a wall on the common pathway. Hence, this writ petition.

4. Mr.S.Babu, learned counsel for the petitioner, during the course of argument, submitted that the petitioner would be satisfied, if a direction is given to the first respondent to dispose of the appeal dated 30.09.2019 preferred by him as against the impugned order passed by the second respondent.

5. Mr.J.Ramesh, learned Additional Government Pleader taking notice for the respondents 1 to 3, has no serious objection in granting such relief to the petitioner.

6. In view of the limited relief now sought by the learned counsel for the petitioner, which has not been opposed by the learned Additional Government Pleader appearing for the respondents 1 to 3, this Court, without expressing any opinion with respect to the merits of the claim made by the petitioner, directs the first respondent to dispose of the appeal dated 30.09.2019, filed by the petitioner, on merits and in accordance

with law, after affording an opportunity of personal hearing to the petitioner, fourth respondent as well as any other interested parties, within a period of six(6) weeks from the date of uploading the copy of this order in the web site.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(AD I-MDU)

//True Copy//

Sub Assistant Registrar

sri

To

1. The District Revenue Officer,
Sathuvachary,
Vellore - 632 009.
2. The Sub Collector,
Vellore, Vellore District.
3. The Inspector of Police,
Katpadi Police Station, Katpadi.

W.P.No.8710 of 2020 and
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NR(CO)
CS/12/10/2020

The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital in front of it. The words "HONORABLE COURT OF JUDICATURE MADRAS" are written in a green circle around the central image. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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