

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

WP.No.16393/2020

Murugesan ... Petitioner

Vs

1.The Revenue Divisional Officer ... Respondents
Kallakurichi.

2.The Tahsildar
Chinnasalem Taluk
Kallakurichi District.

3.Kesamani

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to cancel the illegal patta stands in favor of 3rd respondent for the common pathway comprised in survey No.109/3 in patta No.360 on the file of the 2nd respondent subsequently direct the 1st and 2nd respondents to remove the encroachment put forth by the 3rd respondent in poramboke pond comprised in survey No.109/2 situated at Thagarai Village, Chinnasalem Taluk, Kallakurichi District pursuant to the petitioner representation dated 13.08.2019.

For Petitioner : MR.M.SUBASH

For RR1&2 : MR.M.ELUMALAI

Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

(1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2) Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of respondents 1 and 2.

(3) The petitioner claims to be the owner of a patta land

in S.No.110, at Thagarai Village, Chinnasalem Taluk, Villupuram District [now Kallakurichi District] admeasuring to an extent of 1 acre and 10 cents. It is the specific case of the petitioner that to have access to his land, there exists a pathway in S.NO.109/3, admeasuring to an extent of 0.07 cents and apart from the petitioner, the other persons are also using the said pathway and it is also the access to a water body also. The grievance expressed by the petitioner is that the private respondent who is also the owner of some lands, managed to get patta by adopting illegal method in respect of the land in S.No.109/3 and the representation submitted in this regard as early as on 13.09.2019, to the 1st respondent, has failed to invoke any kind of response and therefore, he came forward to file the present writ petition.

(4) The learned counsel for the petitioner has drawn the attention of this Court to the 'A' Register of Thagarai Village as well as the photographs and made a submission that since the land in S.No.109/3 is classified as public road, the concerned official ought not to have granted patta in favour of the private respondent and by practicing fraud, it has been done and hence, prays for appropriate orders.

(5) **Per contra**, Mr.M.Elumalai, learned Additional Government Pleader appearing for respondents 1 and 2 would submit that in the absence any tenable material, the plea made by the petitioner may not deserve any consideration and prays for dismissal of this writ petition.

(6) This Court has considered the rival submissions and also perused the materials placed before this Court.

(7) A perusal of the materials placed would prima facie do not indicate the original classification in respect of S.No.109/3 of Thagarai Village. Be that as it may, the petitioner, as early as on 13.09.2019 has submitted a representation to the 1st respondent in this regard and to know about the fate of the said representation, it is always open to the petitioner to invoke the provisions of the Right to Information Act and obtain information as to the stage of the consideration of his representation and as and when the said provisions are invoked by filing appropriate application, the concerned Public Information Officer is directed to give a disposal in accordance with law as expeditiously as possible.

(8)The writ petition stands disposed of accordingly. No costs.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

AP

To

1.The Revenue Divisional Officer
Kallakurichi.

2.The Tahsildar
Chinnasalem Taluk
Kallakurichi District.

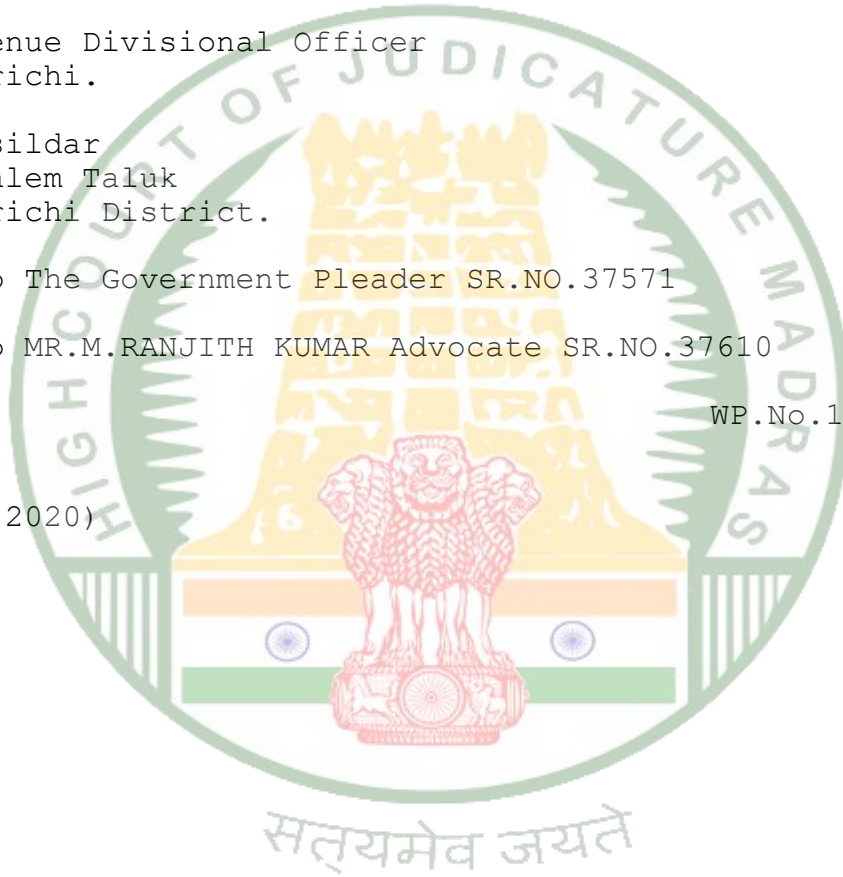
+1 C.C. to The Government Pleader SR.NO.37571

+1 C.C. to MR.M.RANJITH KUMAR Advocate SR.NO.37610

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UM (CO)

UM (16.12.2020)



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