

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2020

CORAM

THE HON'BLE MR.JUSTICE **M.M.SUNDRESH**
and
THE HON'BLE MR.JUSTICE **KRISHNAN RAMASAMY**

Cont P. No. 2210 of 2019
and
W.P.No.32744 of 2019 and W.M.P.No.33167 of 2019

S.Archunan

.. Petitioner in
both the petitions

1.Ponnaiyah,
The District Collector,
Kanchipuram District.

2.Priyadharshini,
The Revenue Divisional Officer,
Maduranthagam,
Seiyur Taluk,
Kanchipuram District.

3.Sundar,
The Tahsildar,
Seiyur Taluk, Kanchipuram District.

4.Pazhani
5.Kasinathan
6.Kuppusamy

.. Respondents in
Cont.P.No.2210 of
2019

1.The District Collector,
Kanchipuram District.

2.The Revenue Divisional Officer,
Maduranthagam,
Seiyur Taluk,
Kanchipuram District.

3.The Tahsildar,
Seiyur Taluk, Kanchipuram District.

4.Pazhani

5.Kasinathan

6.Kuppusamy

.. Respondents in
W.P.No.32744 of
2019

Cont.P.No.2210 of 2019: Contempt petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for their wilful disobedience and violation of the order passed by this Court dated 22.11.2019 passed in W.M.P.No.33167 of 2019 in W.P.No.32744 of 2019.

W.P.No.32744 of 2019: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing respondents 1 to 3 to remove encroachment in Survey No.75/08 situated at Village No.50 Othivilakam Village, Seyyur Taluk, Kanchipuram District which is earmarked for village road and consequently direct respondents 1 to 3 to take initiatives to lay the tar road to ensure that the village road to be remain as per the revenue records.

For Petitioner .. Mr.T.Fenn Walter Associates
in both the petitions

For Respondents .. Mr.A.N.Thambidurai
Spl Govt. Pleader for R1 to R3
in both the petitions

COMMON ORDER

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

By consent, the writ petition is called for and the same has been disposed of along with contempt petition.

2.In para 4 of the counter affidavit filed by the third respondent in W.P.No.32744 of 2019, the following statement has been made:

"4.On verification of the Revenue Records, physical features, spot verification, measurement of the property and in the enquiry conducted in the village on 12.12.2019, it is found that Gramanatham Patta for S.No.75/8 for an extent of 16 cents has been wrongly issued to the petitioner. Actually, the petitioner is in possession of 14 cents only and not 16 cents as claimed by the petitioner. The remaining 2 cents is a road portion i.e. in S.No.75/10 and it is in existence for more than 60 years. Hence it is submitted that grant of patta for wrong

extent is liable to be cancelled as the petitioner was not in possession of 16 cents at any point of time, particularly at the time of issue of Gramanatham patta. Now taking advantage of the patta issued to him for the excess extent, the petitioner has filed the writ petition and misleading this Honourable Court. The petitioner has no manner of right, title or interest in respect of excessive extent of northern 2 cents in S.No.75/8. In any event, the petitioner has lost his possession, for the past more than 30 years. Hence, he is estopped from contending contra. In fact, the petitioner himself has admitted in paragraph 4 of the affidavit under reply that his land was used as a common passage by the villagers for more than 60 years."

3.Learned counsel appearing for the petitioner submitted that the petitioner would be satisfied if the statement made in para 4 of the counter affidavit filed is complied with in letter and spirit. Learned Special Government Pleader also submitted that the same would be complied with. The said submission has been made in the presence of the official who has instructed the learned Special Government Pleader.

4.In such view of the matter, the writ petition stands disposed of by directing the third respondent in the writ petition to comply with para 4 of the counter affidavit. Due demarcation will have to be made between two

cents. No costs. Consequently, connected miscellaneous petition is closed.

5.In view of the above, the contempt petition is also closed.

SD./-

ASSISTANT REGISTRAR(COMM.CASES)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/09/06/2020

To

- 1.The District Collector,
Kanchipuram District.
- 2.The Revenue Divisional Officer,
Maduranthagam,
Seiyur Taluk,
Kanchipuram District.
- 3.The Tahsildar,
Seiyur Taluk,
Kanchipuram District.