



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD) No.14103 of 2020

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D.Kasthuri

... Petitioner

Vs.

1.The District Collector,
Virudhuangar District,
Virudhunagar.

2.The District Revenue Officer,
O/o.Collectorate Complex,
Virudhunagar District,
Virudhuangar.

3.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

4.The Assistant Director,
Department of Survey Records,
Virudhunagar District,
Virudhunagar.

5.The Block Development Officer,
Virudhunagar.

6.The Revenue Tahsildar,
O/o.The Revenue Tahsildar,
Virudhunagar.

7.The Village Administrative Officer,
Pavali Village,
Virudhunagar Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to reclassify the public pathway into the petitioner's private property which was wrongly classified as public pathway under the revenue records and consequently direct the sixth respondent to issue patta in favour of the petitioner comprising in the Survey No.286/5 consisting of 0.78 sq.meter situated at Pavali Village, Virudhunagar Taluk, Virudhunagar District, within a time frame that may be stipulated by this Court.



For Petitioner : Mr.L.Prabhu
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

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This writ petition has been filed for issuance of a direction to the third respondent to reclassify the public pathway into the petitioner's private property which was wrongly classified as public pathway under the revenue records and consequently direct the sixth respondent to issue patta in favour of the petitioner comprising in the Survey No.286/5 consisting of 0.78 sq.meter situated at Pavali Village, Virudhunagar Taluk, Virudhunagar District, within a time frame that may be stipulated by this Court.

2. Mr.K.P.Krishnadoss, learned Special Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that the land in Survey No.77/4 consisting of 5 cents, situated at Pavali Village, Virudhunagar Taluk, Virudhunagar District, for which Patta was issued in the name of the petitioner under Natham tax plan vide No.HSD/1448 dated 01.03.1977 by the erstwhile Tahsildar. Now the said land has been sub-divided into two Survey numbers, viz., Survey No.286/1 consisting of 0.129 sq.meter and Survey No.286/5 consisting of 0.078 sq.meter and totally to the extent of 0.207 sq.meter. The grievance of the petitioner is that the Survey No.286/5 consisting of 0.078 sq.meter was wrongly classified as public pathway in the village and revenue records. Hence, he submitted a representation dated 28.09.2020 to the respondents to reclassify and issue patta in respect of the land in Survey No.286/5 to an extent of 0.078 sq.meter. But, the said representation was not considered so far. In such circumstances, the petitioner has come forward with the present Writ Petition.

4. Considering the facts and circumstances of the case, the respondents, especially the sixth respondent, are directed to consider the representation of the petitioner, dated 28.09.2020 and pass appropriate orders in accordance with law, after hearing the petitioner and the persons who will likely to be affected. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and the persons who are likely to be affected and the costs of photograph and Videograph to be borne by the party seeking patta. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same. The guidelines given in W.P.(MD)No.13465 of 2020 dated 05.10.2020 should be followed wherever it is applicable.



5. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (A.S)

// True Copy //

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/ /2020
Sub Assistant Registrar(CS)

PJL

To

1.The District Collector,
Virudhuangar District, Virudhunagar.

2.The District Revenue Officer,
O/o.Collectorate Complex,
Virudhunagar District, Virudhuangar.

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O/o.Revenue Tahsildar,
Virudhunagar.

7.The Village Administrative Officer,
Pavali Village,
Virudhunagar Taluk, Virudhunagar District.

+1 CC to Mr.L.PRABHU, Advocate (SR-19671[F] dated 09/10/2020)
+1 CC to the SPL GP (SR-19769[F] dated 12/10/2020)

W.P (MD) No.14103 of 2020
09.10.2020

CK (CO)
CS(11.11.2020) 3P 10C