



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No.9357 of 2005

and

W.P.M.P. No. 10174 of 2005

and W.V.M.P.No.38 of 2010

T.Anbu Ganesan

... Petitioner

Vs

1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai-600 005.

2.The District Revenue Officer,
Ariyalur.

3.The Revenue Divisional Officer,
Ariyalur.

4.Manohar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the proceedings of the first respondent herein dated 27.11.2003 in D.Dis.RP.21/03 (KA/7934/2003) confirming the order of the second respondent dated 04.02.2002 in Na.Ka.A1.17547/2001 and quash the same.

For Petitioner : M/s.AL.Ganthimathi

For Respondents : Mr.Richardson Wilson
Govt. Advocate for R1 to R3
: No appearance for R4

O R D E R

This Writ Petition is filed to issue a Writ of Certiorari, calling for the records relating to the proceedings of the first respondent herein dated 27.11.2003 in



D.Dis.RP.21/03 (KA/7934/2003) confirming the order of the second respondent dated 04.02.2002 in Na.Ka.A1.17547/2001 and quash the same.

2. The petitioner and five others along with the fourth respondent herein are joint pattadars. As far as, the petitioner share is concerned, he is in possession and enjoyment of the same by cultivating banana trees, bamboo trees, tamarind trees and mango trees. There is a ramp was build in the said land to reach the river and it was being used by general public to go inside and also other side of the river for public convenience. While being so, the petitioner sought for sub division of the land comprised in S.No.225/3 and issuance of separate patta in the name of the respective owners. The third respondent herein considered the request and ordered to sub divide the land without causing inconvenience to the public using the ramp constructed thereon by the Public Works Department. However, its was challenged by the fourth respondent herein before the second respondent and the same was allowed and aggrieved by the same, the petitioner also filed a revision before the first respondent and the same was also dismissed.

3. In the mean while, the petitioner also filed a suit in O.S.No.120 of 2000 on the file of the District Munsif Court, Ariyalur for injunction restraining the fourth respondent along with others from using the suit property. The fourth respondent and others filed counter claim restraining the petitioner from interfering the usage of the suit property by taking bullock cart and running the tractor in and around the land. The suit filed by the petitioner was dismissed and the counter claim of the fourth respondent herein was allowed by a judgment and decree dated 30.11.2011. Aggrieved by the same, the petitioner also filed an appeal suit in A.S.No.16 of 2015 and the same was dismissed, confirming the order passed by the Court below by Judgment and Decree dated 21.01.2016.

4. The learned counsel for the petitioner would submit that the petitioner undertakes not to interfere with the public using the path way for going inside and outside of the river. Existing path way requires the sub division of the suit property. However, a resolution was passed by the Panchayat objecting the sub division of the property comprised in Survey No.225/3.

5. The fourth respondent also filed a counter and stating that there is no guarantee on the side of the petitioner to keep up his agreement for allowing the public to use the ramp. If a separate patta for their land is issued by the Revenue Authorities, they would be interested only in fortifying



that patta land and will not care for the public interest. The ramp was not constructed in the petitioner's land and the same was constructed in the other joint pattadars.

6. Considering the above, the petitioner is directed to appear before the third respondent and produce the judgment and decree passed in O.S.No.120 of 2000 and A.S.No.16 of 2015. On receipt of the same the third respondent is directed to conduct an enquiry with counter parties by affording an opportunity of hearing and pass appropriate orders and in accordance with law within a period of twelve weeks from the date of receipt of a copy of production of those judgements.

7. With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai-600 005.

2.The District Revenue Officer,
Ariyalur.

3.The Revenue Divisional Officer,
Ariyalur.

+1cc to the Government Pleader Sr No.38095

+1cc to M/s.AL.Gandhimathi, Advocate Sr No.37619

W.P. No.9357 of 2005
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BP (CO)
PR (07/10/2021)