



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.5777 of 2019

and

W.M.P. Nos.6601 & 6603 of 2019

S. Pichaikaran,

...Petitioner

-Vs-

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Taluk Office,
Thirukovilur Taluk,
Villupuram District,

3.The Block Development Officer,
Thirukovilur Town Panchayat,
Thirukovilur Taluk,
Villupuram District.

...Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, forbearing the respondents herein from forming any public road in the private patta land in Survey No.191/10, which is used as the way of access to the Patta lands in S.No.191/11, 191/12, 191/13, & 191/14 of Ariyur Village, Thirukoilur Taluk, Villupuram District, except by due process of law and consequently direct the 2nd respondent herein to conduct survey and issue Patta in the name of the petitioner as per sub-division based on the application dated 08.05.2018 and pass appropriate orders accordingly.

For Petitioner :: Mr. G. Arul Murugan

For Respondents 1&2 :: Mr.Yogesh Kannadasan
(Government Advocate)

For Respondent-3 :: Mr. J.H. Iniyan
(Government Advocate)



O R D E R

This Petition has been filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, forbearing the respondents herein from forming any public road in the private patta land in Survey No.191/10, which is used as the way of access to the Patta lands in S.No.191/11, 191/12, 191/13, & 191/14 of Ariyur Village, Thirukoilur Taluk, Villupuram District, except by due process of law and consequently direct the 2nd respondent herein to conduct survey and issue Patta in the name of the petitioner as per sub-division based on the application dated 08.05.2018 and pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents as well as perused the material available on records.

3. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side, it is seen that by communication dated 10.01.2019 sent by the Tahsildar, Thirukoilur, to the Deputy Superintendent of Police, Thirukoilur, upon the enquiry on the petition submitted by Mr. Veeran to remove the encroachment in the subject property, it was informed that the subject land belongs to the petitioner and 13 others and they are having joint Patta for the subject property. The same was informed to the aforesaid Veeran, that since the subject land covered under the Private Patta, the encroachment cannot be removed. As the aforesaid petitioner was supposed to conduct protest in this regard, the Deputy Superintendent of police was requested to take necessary action to avoid law and problem over the subject property.

4. In view of the aforesaid communication, it is admitted that the subject land belongs to the petitioner and 13 others. Hence, the 2nd respondent is hereby directed to consider the petitioner's representation dated 08.05.2018 within a period of Sixteen weeks from the date of receipt of copy of this order in accordance with law after affording sufficient opportunity to the petitioner herein. It is made clear that this Court has not expressed any opinion with regard to the merits of the case.

5. With the aforesaid directions, the present Writ petition is disposed of. Consequently, connected miscellaneous petitions are closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar



To:

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Taluk Office,
Thirukovilur Taluk,
Villupuram District,

3.The Block Development Officer,
Thirukovilur Town Panchayat,
Thirukovilur Taluk,
Villupuram District.

+lcc to Government Pleader SR. No.56219

+lcc to Mr.G.Arul Murugan, Advocate SR. No.55544

W.P. No.5777 of 2019

and

W.M.P. Nos.6601 & 6603 of 2019

SSI (CO)

PR (07/01/2022)