

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 8/2/2021
C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.9949 of 2020
a n d
M.P.Nos.12103 of 2020 and 2046 of 2021

Raju

... Petitioner

Vs

1. The District Collector
Perumbalur District
Perambalur.
 2. The Revenue Divisional Officer
Perumbalur District
Perambalur.
 3. The Tahsildar
Alathur Taluk
Perambalur District 621 114.
 4. The Block Development Officer
Alathur Panchayat Union
Alathur Taluk
Perambalur District 621 114.
 5. The Commissioner of Land Administration
Ezhilagam, Chepauk
Chennai.
- ... Respondents

(suo motu impleaded vide, order, dated
8/2/2021 by The Hon'ble Mr.Justice B.Pugalendhi,J)

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to forbear the respondents from laying the road in the petitioner's property comprised in S.Nos.186/5, 186/6, 187/4 totally an extent of 3.04 acres situated at T.Kalathur Village, Perambalur Taluk, Trichy District now Alathur Taluk, Perambalur District, based on the representation dated 15/7/2019.

For petitioner

... Mr.C.Prabakaran

For respondents

... Mr.Ps.Sivashanmuga Sundaram
Special Government Pleader
for R.R.1 to 3 and 5

Mr.G.Mutharasu
for R.4.

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ORDER

This Writ Petition has been filed to direct the respondents from laying the road in the petitioner's property, comprised in S.Nos.186/5, 186/6, 187/4, totally an extent of 3.04 acres, situated at T.Kalathur Village, Perambalur Taluk, Trichy District now Alathur Taluk, Perambalur District, based on the representation, dated 15/7/2019.

2. This Court, vide, order, dated 28/10/2020, directed the Sub-Collector, Perambalur, to inspect the place and submit a report. The Sub-Collector, Perambalur, has submitted a report, dated 8/12/2020, stating that the petitioner is using the land as a straight pathway and the petitioner is also occupying the land which is classified as vandi pathway for his cultivation. Apprehension of the petitioner is that though he is occupying the unused vandi padhai for cultivation, he was permitted to cultivate unauthorisedly and now, requests to issue patta to the unused land in favour of the petitioner.

3. Today, when the matter is taken up for hearing through Video Conferencing, this Court suo motu implead the Commissioner of Land Administration, Ezhilagam, Chepauk, Chennai, as fifth respondent.

4. Mr.Ps.Sivashanmuga Sundaram, learned Special Government Pleader takes notice for the fifth respondent to get instructions on the possibility of issuing patta for the unused portion of the cart track existing in the revenue records.

5. After getting instructions, learned Special Government Pleader submits that since this land has been classified as a cart track in the revenue records, it requires a process for issuing a patta, for that the petitioner can make a representation to the Tahsildar, Alathur Taluk, Perambalur District. After receipt of the representation, the Tahsildar has to send a proposal to the fifth respondent Commissioner of

Land Administration and thereafter, the Commissioner can take a decision for issuing a patta. Since the people had used the petitioner's patta land as a pathway and the petitioner has also permitted the same for more than a decade, now, the Panchayat is intending to lay thar road in the existing track. The petitioner as an alternative has requested for at least to issue patta with regard to the existing unused cart track in his favour.

6. Considering the submissions made on either side, the petitioner shall make a fresh representation in this regard to the Tahsildar, Alathur Taluk, Perambalur District, third respondent, within a period of one week, from the date of receipt of a copy of this order and on receipt of such representation, the Tahsildar, Perambalur District, shall consider the same and make necessary proposal to the Commissioner of Land Administration, within a period of ten days thereafter, and the Commissioner of land administration, Chennai, can take a decision with regard to the issuance of patta by converting the revenue records in favour of the petitioner, within a period of four weeks, from the date of receipt of the report from the Tahsildar, Perambalur District.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mvs

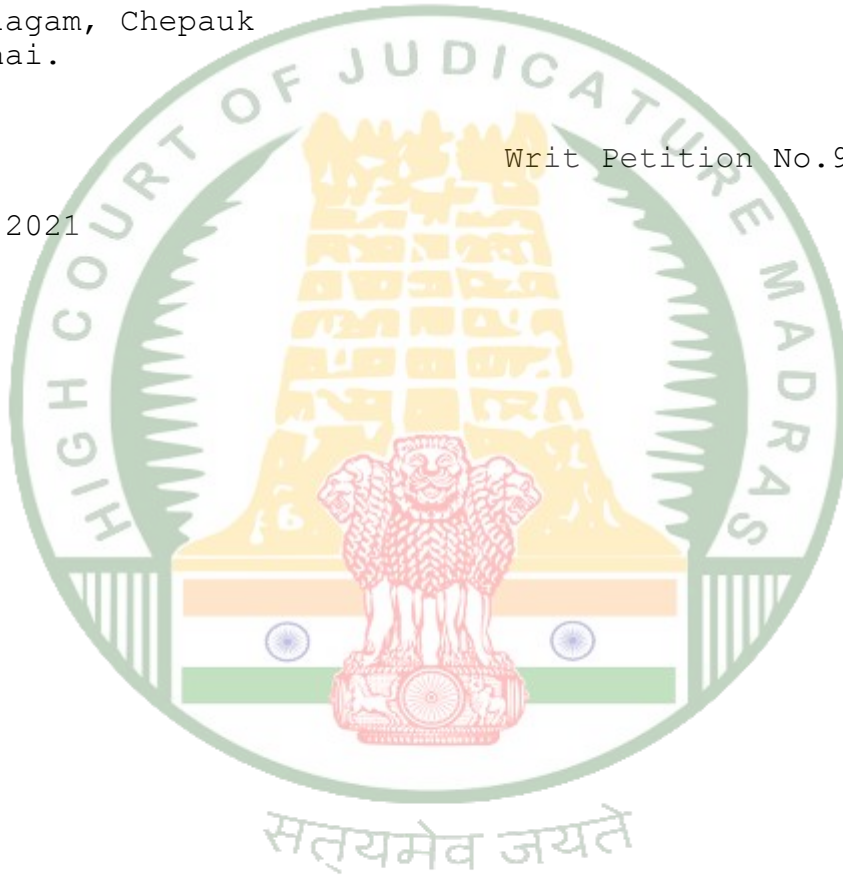
To

1. The District Collector
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SR-1 (CO)
CSR 17.03.2021



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