



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.1561 of 2020

Jeyasundaram

.. Petitioner

Vs

- 1.The District Collector,
Office of the District Collectorate,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Thasildhar,
Illayankudi Taluk,
Sivagangai District.
- 4.Thadiya Thevar
- 5.Amalraj

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation dated 20.12.2019, within a time frame that may be stipulated by this Hon'ble Court and directing the 2nd respondent to cancel the patta in vide patta No.281 & 319 in survey Nos.67/2A, 67/13, 67/2B, 67/3B2 on the file of the Kalaikulam Revenue Village, Illayankudi Taluk, Sivagangai District and consequently, directing the 2nd respondent is restored the original classification of "Geology Cart Track" in Survey No.67/2 on the file of the Kalaikulam Revenue Village, Illayankudi Taluk, Sivagangai District.

For Petitioner

: Mr.R.Udhayakumar

For Respondent Nos.1 to : Mr.K.P.Krishnadass
3

Special Government Pleader



O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

This Writ Petition, styled as Public Interest Litigation, has been filed for the issuance of a writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation, dated 20.12.2019, within a time frame and to direct the 2nd respondent to cancel patta Nos.281 & 319 in survey Nos.67/2A, 67/13, 67/2B, 67/3B2, on the file of the Kalaikulam Revenue Village, Illayankudi Taluk, Sivagangai District and consequently, to direct the 2nd respondent to restore the original classification of "Geology Cart Track" in Survey No.67/2 on the file of the Kalaikulam Revenue Village, Illayankudi Taluk, Sivagangai District.

2.Heard Mr.R.Udhayakumar, learned counsel appearing for the petitioner and Mr.K.P.Krishnadass, learned Special Government Pleader appearing for respondent Nos.1 to 3.

3.Learned Special Government Pleader appearing for respondent Nos.1 to 3 on instructions from the third respondent submitted that pattas were granted in the year 1986/89 and the petitioner has approached this Court, at this juncture, by filing this public interest litigation.

4.Learned counsel for the petitioner in response would submit that admittedly pattas were granted in favour of respondent Nos.4 and 5 to an extent of about one kilometer on either side of the road, due to which, the road widening work has been stopped for the said length, as a result of which, the public are put to irreparable hardships.

5.Since the pattas were issued in the year 1986/89, it cannot be cancelled, that too at the instance of a third party in a public interest litigation. As contended by the learned counsel for the petitioner, if the road could not be widened because of the grant of patta to respondent Nos.4 and 5, then the District Collector or the concerned Department should initiate acquisition proceedings for acquisition of the land from the pattathars to the extent required for widening the road.

6.In the light of the above, the petitioner's request in respect of cancellation of patta granted in favour of respondent Nos.4 and 5 cannot be considered. However, there will a direction to the first respondent District Collector to consider as to whether the land has to be acquired for the purpose of widening the road, by considering the representation of the petitioner dated 20.12.2019, after notice to the petitioner and respondent Nos.4 and 5 and pass orders on merits and in accordance with law as expeditiously as possible, preferably within four months from



the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector,
Office of the District Collectorate,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
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Sivagangai District.
- 3.The Thasildhar,
Illayankudi Taluk,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-17535[F] dated 26/04/2021)

W.P. (MD) No.1561 of 2020

23.04.2021

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AV (10.05.2021) 3P 5 C