



WEB COPY

W.P.(MD) No.13038 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.13038 of 2021

and

W.M.P(MD).No.10108 of 2021

Ganesan

..

Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai,
Virudhunagar.

3.The Tahsildar,
Tiruchuli,
Virudhunagar,
Virudhunagar District.

4.The Village Administrative Officer,
Kalathur Panchayat,
Virudhunagar,
Virudhunagar District.

5.Panju

6.Prasath

7.Muthuraja

8.Gunasekaran

8.Nagammal

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents 1 to 4 not to grant patta in Survey No.252/2 of Kalathur Village, Tiruchuli, Virudhunagar District which is classified as cart track and consequentially direct to restore the cart track leading to Nallathangal Temple at Survey No.252/2 of Kalathur Village, Tiruchuli, Virudhunagar District to its original position for public use within stipulated time.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents 1-4

: Mr.R.Baskaran

Standing Counsel.



ORDER

[Order of the Court was delivered by
The Hon'ble Chief Justice]

The grievance of the petitioner is that a strip of land used as a cart track in survey No.252/2 of Kalathur village, Tiruchuli, Virudhunagar District, has been sought to be alienated by way of a patta to private persons.

2.Mr.R.Baskaran, learned standing counsel appearing for the State takes notice on behalf of the respondent Nos.1 to 4. According to the official respondents, upon an inquiry undertaken in respect of a neighbouring waterbody, it was discovered that several landless persons or families had encroached into the same. In a bid to remove such encroachment and provide the landless persons or families with alternative space, the land at survey No.252/2 was found to be suitable. However, it is submitted by the official respondents that to the extent that there is and has been a cart track on a strip of land covered by survey No.252/2, every attempt will be made not to disturb the same and allot patta of lands in respect of the remainder of the area covered by the survey number.

3.Accordingly, the respondent Nos.2 to 4 are directed to ensure that any cart track or strip of land traditionally used as a cart track in survey No.252/2 of Kalathur village aforesaid is not disturbed or impeded in any manner. However, nothing in this order will prevent the State and the official respondents in affording any land to landless persons or families in accordance with law.

4.Since the order passed does not prejudice the private respondents, who may be the landless persons who have been allotted lands and since their interest have also been protected by this order, no previous notice was necessary on such respondents. However, copies of the petition and this order should immediately be forwarded to the private respondents by advocate for the petitioner.

5.W.P.(MD)No.13038 of 2021 is disposed of, without any order as to costs. Consequently, WMP(MD).No.10108 of 2021 is closed.

Sd/-

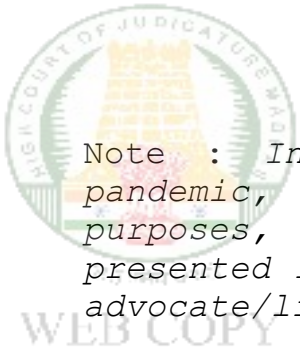
Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR



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,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai,
Virudhunagar.
- 3.The Tahsildar,
Tiruchuli,
Virudhunagar,
Virudhunagar District.
- 4.The Village Administrative Officer,
Kalathur Panchayat,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-24704[F] dated 30/07/2021)

+1 CC to M/s.SPL GP (SR-24742[F] dated 30/07/2021)

W.P. (MD) No.13038 of 2021

29.07.2021

RK (06.08.2021) 3P 7C