



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.14371 of 2021

Kanagarajan

... Petitioner

Vs.

1.The District Revenue Officer,
Dindigul District.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Tasildhar,
Palani Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to make a sub-division, fix four boundaries for the existing usual pathway in S.No.443/1 to reach the land in S.No.443/2 and to carry out necessary mutations in the revenue records allocating a pathway by considering the representations dated 11.06.2021 and 19.07.2021 within a time frame as may be fixed by this Court.

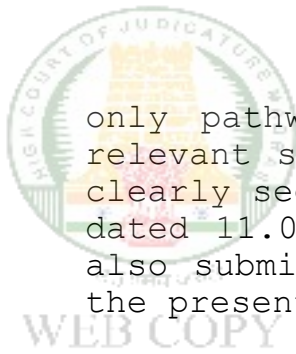
For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a subdivision and the fixation of the four boundaries for the pathway in Survey No.443/1 to reach the land in Survey No.443/2 and also for the carrying out of necessary mutations in the revenue records in respect of the pathway.

2.The petitioner asserts that he purchased the land bearing S.No.443/2 of an extent of 22 acres 30 cents at Periyammappatti Village, Palani Taluk under a registered sale deed dated 22.12.2017. According to the petitioner, the land and the surrounding lands belonged to the Neikarapatti Jamin. Subsequently, the Government took possession of the surrounding lands but the petitioner retained ownership of land purchased by him. After the purchase of the said land, Patta No.2064 was issued to him. According to the petitioner, the pathway in S.No.443/1 was used to access his property even by his vendor. After the purchase of the property, the petitioner also continues to use the said pathway and it is claimed that it is the



only pathway to the said land. The petitioner states that the relevant survey number has not been sub divided till date so as to clearly segregate the pathway. For such purpose, the representation dated 11.06.2021 was submitted and a reminder dated 19.07.2021 was also submitted. On account of the failure to take action thereon, the present writ petition is filed.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, appears on behalf of all the respondents. On written instructions, he submits that the petitioner's representation would be considered and disposed of after providing a reasonable opportunity to objectors.

4.In the above facts and circumstances, it is not necessary to enter any findings on the merits of the matter. Accordingly, W.P (MD) No.14371 of 2021 is disposed of by directing the second and third respondents to consider the petitioner's representations dated 11.06.2021 and 19.07.2021 and pass a reasoned order thereon within a period of three (3) months from the date of receipt of a copy of this order. Such order shall be issued after providing a reasonable opportunity to the petitioner and to any objectors. There will be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Revenue Officer,
Dindigul District.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Tasildhar,
Palani Taluk, Dindigul District.

+1 CC to M/s.SPL.GP (SR-32856[F] dated 27/10/2021)

W.P(MD).No.14371 of 2021
26.10.2021

RD/UV(10.11.2021) 2P 5C