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W.P. No. 23814 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.23814 of 2022

B.Venkateswaran

.. Petitioner

Versus

- 1 The District Collector,
Office of the Collectorate of Chennai,
Rajaji Salai, Fourth Floor,
62 Beach Road,
George Town, Chennai,
Tamil Nadu-600 001.
- 2 The Revenue Divisional Officer,
Ambattur Division,
Office of the Revenue Divisional Officer,
No.5-73 SH 112 Gandhi Nagar,
Anna Nagar West Extension,
Chennai, Tamil Nadu-600 040.
- 3 The Divisional Engineer,
Highways Department (C and M),
Chennai Metropolitan Roads,
Saidapet Chennai-600 015.
- 4 The Director General,
Office of the Director General,
Highways Department-Tamil Nadu,
No.76 Sardar Patel Road,
Guindy, Chennai-600 025.

..Respondents



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Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the Respondents herein to pass orders on the petitioners representation dated 20-07-2022 and further direction to the 1st and 2nd respondents to cancel the Patta issued in favor of third parties for the Road that belongs to the Highway.

For Petitioner : Mr.V.Raghavachari
For Respondents : Mr. U.Bharanidharan, AGP RR1 & 2
Mr.D.Muhilan, GA RR3 & 4

ORDER

The petitioner has filed this writ petition seeking a direction to the Respondents herein to pass orders on the petitioners representation dated 20-07-2022 and further direction to the 1st and 2nd respondents to cancel the Patta issued in favor of third parties for the Road that belongs to the Highway.

2. The case of the petitioner is that the land comprised in old S.No.148/1 along with other survey numbers certified as Town Survey No.189/3, 189/4, 189/5, 189/6, 189/7 and 189/8 of Block No.33, Ward No.7, Korattur, Ambattur Town and Taluk, Chennai District belongs to the National Highways. The above said lands were acquired by the State from the various land owners for laying the road and award was also passed vide Award No.1 of 1987 passed by the Special Tahsildar, Land Acquisition, Highways, Madras and compensation



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was also paid. However, patta was issued with respect to the Highways land in the name of the private persons and hence, the petitioner made a representation before the respondents for cancellation of the patta and the same was not considered till date and hence, the petitioner has filed a writ petition before this Court seeking an appropriate remedy.

3. The learned counsel for the petitioner submitted that the respondents failed to appreciate the fact that the patta issued to the third party is a public road. Challenging the order of cancellation of patta by the District Revenue Officer, Ambattur, one R.S.Raghavan filed a writ petition in W.P.No.19789 of 2015 and this Court, vide its order dated 01.09.2021, allowed the writ petition and directed the Highway Department to file an appeal before the Revenue Divisional Officer, Ambattur, Chennai. Therefore, the petitioner seeks liberty to file appeal before the second respondent.

4. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents submitted that as per the order passed this Court in W.P.No.19789 of 2015, the Highways Department preferred appeal before the Revenue Divisional Officer on 02.09.2022 and the same was rejected and issued a direction to prefer an appeal before this Court challenging the order



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passed by this Court.

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5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the fact that this Court, while disposing of the writ petition in W.P.No.19789 of 2015 which was filed by one R.S.Raghavan, directed the authorities, Highways Department to file an appeal before the Appellate authority for cancellation of patta which was stands in the name of the third parties in respect of the National Highways Road. In which, the Highways Department has preferred an appeal before the second respondent and the same was rejected and the second respondent issued a direction to file an appeal before the High Court as against the order passed by this Court in W.P.No.19789 of 2015. The claim made by the petitioner is also same that of the Highways Department. Therefore, this Court grants liberty to file an appeal before this Court along with Highways Department or individually.

7. With the above direction, the writ petition is disposed of. No order as to costs.

26.09.2022



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Index : Yes/No

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M. DHANDAPANI, J.

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