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W.P.No.28249 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.28249 of 2022

Mr.R.C.Suresh

...Petitioner

Versus

- 1.The District Collector,
Office of the District Collectorate,
Thiruvannamalai,
Thiruvannamalai District.
- 2.The District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.
- 3.The Revenue Divisional Officer,
Office of the RDO,
Thiruvannamalai,
Thiruvannamalai District – 606 601.
- 4.The Tahsildar,
Thiruvannamalai,
Thiruvannamalai District.
- 5.Mr.C.Shanmugam
- 6.Mr.Ramajayam

...Respondents



W.P.No.28249 of 20__

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the fourth respondent to take appropriate action for the cancellation of Patta No.90 issued in the name of the fifth respondent in respect of the land in S.No.47/4B4A, Kattuputhur Village, Thiruvannamalai Taluk, Thiruvannamalai District and also, to restore the Cart Road (Vandipathai) by considering the petitioner's representation dated 16.08.20222 within a stipulated period of time.

For Petitioner	:	Mr.J.Ramesh
For Respondents – 1 to 4	:	Mr.U.Bharanidharan, Additional Govt. Pleader

ORDER

The relief sought in this writ petition is to direct the fourth respondent to take appropriate action for the cancellation of Patta No.90 issued in the name of the fifth respondent in respect of the land in S.No.47/4B4A, Kattuputhur Village, Thiruvannamalai Taluk, Thiruvannamalai District and also, to restore the Cart Road (Vandipathai) by considering the petitioner's representation dated 16.08.20222 within a stipulated period of time.

2. The case of the petitioner is that he is the owner of the land measuring to an extent of 0.24 Acre comprised in S.No.47/4B situated at



Kattuputhur Village, Thiruvannamalai Taluk, Thiruvannamalai District.

The said land was originally purchased by his father Chandrasekar from the fifth respondent by virtue of Sale Deed dated 12.06.1995 which was registered as Document No.576 of 1995 on the file of the Sub Registrar Office, Kalasapakkam. At the time of execution of Sale Deed, the fifth respondent stated that northern side of boundary of the subject land was acquired for the purpose of laying the existing Cart Road (Vandipathai). The boundary of the subject property is clearly mentioned in the said sale deed as the land is bounded on East by Sinukon and Annamalai's Land, West by Kappan Duraisamy Udaiyar, Arumugam's share of land, North by Cart Road (Vandipathai) and South by Chandrasekar's land.

2.1. The petitioner's father had died on 12.03.2015. After the demise of petitioner's father, petitioner, his mother Mrs.Ramani and his sister Mrs.Jothi have been in absolute possession of the subject land as well as the adjacent land in S.No.47/4B4A which is situated in the Northern side of the boundary to the subject land. The said adjacent land is the part and parcel of the aforesaid Cart Road (Vandipathai). While so, now, the fifth respondent has produced fake documents before the fourth respondent and



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gave a false representation, for issuance of Patta in respect of the land in S.No.47/4B4A situated at Kattuputhur Village, Thiruvannamalai Taluk, Thiruvannamalai District. Based on the representation given by the fifth respondent, the fourth respondent has issued Patta No.90 in the name of fifth respondent in respect of land in S.No.47/4B4A. Subsequently, by misusing the said Patta, the fifth respondent has executed a Settlement Deed dated 28.06.2021, in favour of sixth respondent (son of fifth respondent). The said Settlement Deed was registered as Document No.1057 of 2021 on the file of the Sub Registrar Office, Kalasapakkam.

2.2. On 20.07.2022, when the respondents 5 & 6 were attempted to occupy the land allotted for Road in S.No.47/4B4A, the petitioner's mother stopped them from encroaching the said land with help of neighbours and immediately lodged a complaint before the Inspector of Police, Kalasapakkam Police Station. After enquiry, the Inspector of Police advised the respondents 5 & 6 to stop encroaching the land allotted for Road in S.No.47/4B4A since the petitioner and his family members are using the said land as pathway from the land comprised in S.No.47/4B. The petitioner made several representations to the fourth respondent in this



regard, but, his efforts were went in vain. Therefore, the petitioner sent a representation dated 16.08.2022 to the respondents 1 to 4 for cancellation of Patta issued to the fifth respondent, however, there was no response for the same. Hence, left with no other alternative, the petitioner has filed the present writ petition before this Court for the reliefs stated *supra*.

3. The learned counsel for the petitioner submitted that the petitioner and his family members are using the land in S.No.47/4B4A as an access to the land comprised in S.No.47/4B. He further submitted that the Revenue Records clearly shows that the land in S.No.47/4B4A was acquired for Cart Road (Vandipathai), however, the fourth respondent without verifying the Revenue Records, issued Patta in respect of the land in S.No.47/4B4A in the name of the fifth respondent. Though the petitioner made a representation before the respondents 1 to 4 for cancellation of Patta No.90 which was issued in the name of the fifth respondent, till date, no action has been taken on his representation. Therefore, appropriate direction may be issued to the fourth respondent to consider the petitioner's representation and pass appropriate orders on the same, within a time frame as stipulated by this Court.



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4. Since no adverse order is being passed against the respondents 5 & 6, notice to the respondents 5 & 6 is dispensed with.

5. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

6. Considering the limited relief sought by the petitioner in this writ petition, this Court, without going into the merits of the case, directs the fourth respondent to consider the petitioner's representation dated 16.08.2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the respondents 5 & 6.

7. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

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M.DHANDAPANI, J.

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