



WEB COPY

W.P.No.7881 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7881 of 2019

and

W.M.P.Nos.8497 and 8498 of 2019

1.V.Balu

2.Vijayakumar

... Petitioners

Vs.

1.The District Collector,
Cuddalore District Collectorate,
Cuddalore.

2.The Additional Chief Secretary /
Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.

3.The District Revenue Officer,
Cuddalore District.

4.The Sub-Collector,
Chidambaram,
Cuddalore District.

5.The Tahsildar,
Chidambaram Taluk,
Cuddalore District.

6.Samidurai

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the proceedings in K3/29610/2013 dated 12.12.2018 and quash the same and consequently direct the respondents to issue patta in favour of petitioner and forbear the respondents from interfering with the peaceful possession of the petitioner's property in survey numbers 399/7, 399/8, 399/9, 399/10, 399/11, 399/14 and 399/15 in Paradhurchavadi Village.

For Petitioner	: Mr.S.Saravanakumar
For R1 to R5	: Mr.C.Jaya Prakash, Government Advocate
For R6	: Mr.P.R.Thiruneelakandan

ORDER

The order dated 12.12.2018 passed by the 2nd respondent / the Commissioner of Land Administration is under challenge in the present writ petition.



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2. The petitioner states that the 6th respondent has illegally executed a Gift Deed in respect of the properties belonging to the writ petitioner. However, such disputes cannot be adjudicated in the present writ petition and if at all the writ petitioner is aggrieved from and out of the actions of the 6th respondent, who is a private party, he has to approach the civil court of law for appropriate remedy.

3. As far as the order impugned passed by the 2nd respondent / the Commissioner of Land Administration is concerned, who has considered the facts and circumstances in respect of the classification of the land and passed an order stating as follows:-

“ 20. However, it is seen from the F.M.B that the S.No.399/11 and 399/15 are protruding into S.No.399/1 classified as 'street'. It seems that these sub divisions are intentionally created to grant patta. Hence, the District Revenue Officer is directed to inspect the land and find whether the sub divisions are hindrance to public movement.



WEB COPY

W.P.No.7881 of 2



The District Revenue Officer is directed to pass an appropriate order on this issue in accordance with law. While passing orders he must strictly ensure that if the survey numbers are used as road by the public or required in future or road usage to reach the school then an order envisaging public utility ought to be given priority.”

4. The Commissioner of Land Administration, has categorically directed the District Revenue Officer to inspect the land and find as to whether the sub-divisions are a hindrance to the public movement. It is not made clear whether such an exercise has been done by the District Revenue Officer or not. Therefore, the order passed by the Commissioner of Land Administration, directing the District Revenue Officer to conduct an inspection would not be a sufficient cause for the purpose of considering the present writ petition. Thus, the District Revenue Officer concerned shall conduct an inspection pursuant to the directions issued by the Commissioner of Land Administration and initiate all appropriate actions in the manner known to law.



5. With these directions, the writ petition stands disposed. Consequently,
the connected miscellaneous petitions are closed. No costs.

WEB COPY

25.07.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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WEB COPY

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S.M.SUBRAMANIAM, J.

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