



W.P.No.21953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21953 of 2023

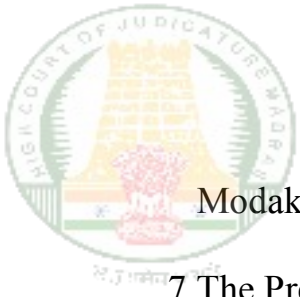
Kesavankrishnasamy

...Petitioner

Vs.

- 1.The District Collector,
District Collector,
Erode-638 011.
- 2.The Assistant Director of the Land Survey & Records Department
Office of the land Survey & Records Department,
Erode-638 011.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Erode-638 011.
- 4.The Tahsildar,
Taluk Office,
Modakurichi-638 104.
- 5.The Deputy Director
Directorate of Town and Country Planning,
Erode-638 011.
- 6.The Circle Sub-Inspector
Survey Division,

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Modakurichi-638 104.

7.The President,
Lakkapuram Panchayat,
Lakkapuram-638 002.

..Respondents.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent herein to consider the representation dated 09.03.2023 which was forwarded by the 3rd respondent's letter dated 03.04.2023 to correct the subdivision of natham land record and the Field Map in respect of Survey No.125/3, Lakkapuram Village, Modakurichi Panchayat Union, Erode Taluk, Erode District as per the approved layout granted by the Coimbatore Deputy Director, Directorate of Town and Country Planning in the year 1985 in LP/R(CPN) 78/85.

For Petitioner : Mr.R.Rajesh Vivekananthan

For Respondents 1 to 6 :Mrs.S.Anitha
Special Government Pleader

For Respondents 7 : Mr.R.L.Karthikeyan
Government Advocate

ORDER

The writ petitioner seeks a direction to 4th respondent to consider his representation dated 09.03.2023 in the light of the proceedings of 3rd respondent dated 03.04.2023.

2. The writ petitioner claiming himself as owner of Plot No.23 in an



approved layout which was approved by Deputy Director, Directorate of Town and Country Planning, Coimbatore in the year 1985 in LP/R(CPN) 78/85. The said layout was formed in Survey No.125/3 in Lakkapuram Village, Modakurichi Panchayat Union, Erode Taluk, Erode District. The plot was originally purchased by the wife of the petitioner and she also put up a construction thereon. After the death of the petitioner's wife, as a legal representative the petitioner has been in possession in enjoyment of the same. Recently, when the petitioner checked the survey field maps relating to Survey No.125/3, he found the roads in the layout leading to his house was not included in the field maps. Hence, a representation was made to the authorities. The 4th respondent by his order dated 01.03.2022 informed the petitioner that road in Survey No.125/3 is a public pathway. But however, the same was not gifted to the local authorities by the promoter of the layout. He also informed the petitioner that subdivision of the road can be done only after execution of gift deed by the promoter. Thereafter, the petitioner submitted a representation to the 3rd respondent informing him that Directorate of Town and Planning(DTCP) approval was given to the layout in the year 1985 and the road in question is shown as road in the approved layout. The petitioner also



mentioned that the promoter of the layout is no more and the details of his legal representatives are not known. In these circumstances, the petitioner requested the 3rd respondent to include the road mentioned in approved layout in field map drawn for the Survey No. 125/3. The 3rd respondent forwarded the representation of the petitioner to the 4th respondent by his proceedings dated 03.04.2023.

3. Mrs.S.Anitha, learned Special Government Pleader takes notice for the respondents 1 to 6. Mr.R.L.Karthikeyan, learned Government Advocate takes notice for the 7th respondent.

4. As mentioned earlier, 4th respondent already informed the petitioner that the road in question cannot be included in field map drawn as a road unless gift deed is executed by the promoter in favour of the local authority. In this circumstances, no purpose will be served by forwarding the application of the petitioner to the 4th respondent.



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5. It is asserted by the petitioner that the road in question has been in existence from 1985 namely the date of approval of the layout. Therefore, the 3rd respondent is directed to consider the representation of the petitioner dated 09.03.2023 and find out by local inspection the existence of the road claimed by the petitioner. If the 3rd respondent finds the road is available on ground, he has to take necessary steps for inclusion of the road in the revenue records by following the procedure established by law. The entire process shall be completed by the 3rd respondent within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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