



W.P.No.21750 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21750 of 2023

and

WMP.Nos.21099 & 21100 of 2023

1.Lakshmanna
2.Dasappa

...Petitioners

Vs.

1.The District Collector
Krishnagiri District
Krishnagiri.

2.The Tahsildar
Hosur Taluk
Krishnagiri District.

3.The Block Development Officer
BDO Office
Hosur
Krishnagiri District.

4.The Head Surveyor
Hosur Town & Taluk
Krishnagiri District.



W.P.No.21750 of 2023

5.The Village Administrative Officer
Jeemangalam Village
Bagalur Rural
Hosur Taluk
Krishnagiri District.

6.The Panchayat President
Bagalur Panchayat
Bagalur Village & Post
Hosur Taluk
Krishnagiri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents from surveying the petitioners properties and from laying the drainage line on the petitioners patta lands in S.No.105/A dry measuring an extent of 2 acres 69 cents, S.No.105/B dry measuring an extent of 0 acre 32 cents, S.No.103/1A1 measuring an extent of 0.14 cents, S.No.103/1B measuring an extent of 0.17 cents, Grama Natham S.No.108/2 measuring an extent of 0.02 cents, Grama Natham S.No.107/8 measuring an extent of 0.02 cents, Grama Natham S.No.107/15 measuring an extent of 0.02 cents situated in Moorthigana Dhinna Village, Hosur Taluk, Krishnagiri District by considering the petitioners representation dated 03.06.2023.



W.P.No.21750 of 2023

For Petitioners : Mr.R.Jayaprakash

For Respondents : Mr.P.Anandha Kumar
for R1, R2, R4 & R5
Government Advocate

Mr.C.Sathish for R3 & R6
Government Advocate

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, forbearing the respondents from surveying and laying drainage line on the petitioners' patta lands in S.Nos.105/A, 105/B, 103/1A1, 103/1B, 108/2, 107/8 and 107/15 situated in Moorthigana Dhinna Village, Hosur Taluk, Krishnagiri District, by considering the petitioners' representation dated 03.06.2023.

2. It is the case of the petitioners that the above said lands are all family properties of the petitioners. It is also stated that the patta for the above said properties stand in the name of the petitioners and respondents are trying to lay a road and drainage channels in the above



W.P.No.21750 of 2023

said patta lands of the petitioners and therefore, the petitioners submitted a representation to the first respondent on 03.06.2023 requesting them not to disturb the possession of the petitioners over the above said properties.

3. It is the grievance of the petitioners that the respondents are attempting to lay a road in their patta lands and consequently, they were constrained to move this Court seeking above said relief.

4. Mr.P.Anandha Kumar, learned Government Advocate takes notice for the respondents 1, 2, 4 & 5 and Mr.C.Sathish, learned Government Advocate takes notice for the respondents 3 & 6.

5. Mr.P.Anandha Kumar, learned Government Advocate appearing for the respondents 1, 2, 4 & 5, on instructions, submitted that already there is a road in S.Nos.105/A, 105/B and 103/1B and the same is detailed in the FMB map. The learned Government Advocate also produced the copy of the Village A-Register and the FMB of the relevant survey number.



W.P.No.21750 of 2023

WEB COPY

6. A perusal of the above would suggest that S.Nos.103/5B, 103/1B and 105/5B stand in the name of the father of the petitioners viz., Venkatagiriappa and one Jayamma w/o Beema Rao, respectively. In column 12 of the A-Register, it is clearly mentioned that there is a pathway in that said Survey numbers. Even in the FMB plan produced by the learned Government Advocate, a road is mentioned in S.Nos.105/B & 103/1B. Therefore, the dispute raised by the petitioners with regard to the title over the above said properties cannot be considered by this Court in the Writ jurisdiction.

7. The A-Register and FMB produced by the learned Government Advocate prima facie proves that a road is already in existence in S.Nos.105/1B and 103/1B. In these circumstances, the positive prayer as prayed by the petitioners cannot be granted.

8. The learned Government Advocate also submitted that the respondents are proposed to survey the above said land on 09.08.2023



W.P.No.21750 of 2023

and if the petitioners are interested, they can participate in the survey proceedings and file their objections if any, the said statement is recorded.

It is always open to the petitioners to establish their alleged title over the above said land before the Civil Court and workout their remedy.

9. With this above observation, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

28.07.2023

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



W.P.No.21750 of 2023

WEB COPY

To

- 1.The District Collector
Krishnagiri District
Krishnagiri.
- 2.The Tahsildar
Hosur Taluk
Krishnagiri District.
- 3.The Block Development Officer
BDO Office
Hosur
Krishnagiri District.
- 4.The Head Surveyor
Hosur Town & Taluk
Krishnagiri District.
- 5.The Village Administrative Officer
Jeemangalam Village
Bagalur Rural
Hosur Taluk
Krishnagiri District.
- 6.The Panchayat President
Bagalur Panchayat
Bagalur Village & Post
Hosur Taluk
Krishnagiri District.



WEB COPY



W.P.No.21750 of 2023

S.SOUNTHAR, J.
dna

W.P No.21750 of 2023
and
WMP.Nos.21099 & 21100 of 2023

28.07.2023