



W.P.No.33139 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.33139 of 2023

P.MURUGAN

... Petitioner

Vs.

1. THE DISTRICT COLLECTOR
OFFICE OF THE DISTRICT COLLECTORATE, VENGAIKAL
THIRUVANNAMALAI DISTRICT

2. THE DISTRICT REVENUE OFFICER
VENGAIKAL THIRUVANNAMALAI DISTRICT

3. THE REVENUE DIVISIONAL OFFICER
THINDIVANAM ROAD THIRUVANNAMALAI DISTRICT

4. THE THASILDHAR
THINDIVANAM ROAD, THIRUVANNAMALAI DISTRICT

5. PADMA

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 4th respondent to consider the petitioner's representation dated 13.07.2023 by correcting A-Register as well as FMB Sketch as per the previous UDR and also to make an enquiry and cancel the Patta issued pertains to Old Survey No 30/2 New Survey No 30/2A, 30/2B 30/2C and 30/2D of Anaypirandan



W.P.No.33139 of 2023

Village.

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For Petitioner : Mr.R.Sathish Kumar

For Respondents : Mr.V.Veluchamy
Addl. Government Pleader for RR1 - 4

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the fourth respondent to consider the petitioner's representation, dated 13.07.2023, by correcting A-Register as well as FMB Sketch as per the previous UDR and also to make an enquiry and cancel the Patta issued to Old Survey No 30/2 New Survey Nos. 30/2A, 30/2B, 30/2C and 30/2D of Anaypirandan Village.

2.By consent of both the parties, this Writ Petition is taken up for final hearing at the admission stage itself.

3.Mr.V.Veluchamy, learned Additional Government Pleader takes notice for the respondents 1 to 4. Since there is no adverse order being passed in this Writ Petition, as against the 5th respondent, notice to the 5th



W.P.No.33139 of 2023

respondent is dispensed with.

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4.It is the case of the petitioner that his agricultural land in Survey No.30/4A of Anaypirandan Village, was in possession of the petitioner, for last several decades. In Survey No.30/2, there is a common pathway for ingress and egress to his land. The Katteri lake, which passes through the said Survey No.30/2, is a water resource for the petitioner's agricultural land and the Village people in and around the said Survey Number. The same was also evidenced in the Revenue Records, in which A-Register and FMB Sketch clearly establish that the Survey No.30/2 is a water body and a common pathway.

5.While so, some of the residents of the same Village encroached the Survey No.30/2, by suppressing the said dry land as a water channel and sub-divided it as Survey Nos. 30/2A, 30/2B, 30/2C and 30/2D. Subsequently, the encroacher's executed a sale deed, vide Document No.2561/2002 dated 21.06.2002 in favour of one Padma, including some of the agricultural lands, against which, the petitioner made a



W.P.No.33139 of 2023

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representation dated 13.07.2023 before the respondents 1 to 4, for cancellation of Patta in respect of Survey No.30/2. Since the official respondents have not taken any steps to redress the grievance of the petitioner, he filed the present Writ Petition, seeking the above stated relief.

6.Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that it would suffice if a direction is issued to the 4th respondent to consider the representation of the petitioner.

7.Mr.V.Veluchamy, learned Additional Government Pleader, appearing for respondents 1 to 4, submitted that 4th respondent may be directed to consider the petitioner's representation dated 13.07.2023 and pass orders on merits in accordance with law.

8.Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer



W.P.No.33139 of 2023

sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the 4th respondent to consider the representation of the petitioner, dated 13.07.2023, after conducting enquiry and pass orders on merits and in accordance with law, after issuing notice to all the interested parties / rival claimants and also the 5th respondent herein, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

24.11.2023

Jer

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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W.P.No.33139 of 2023

To

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W.P.No.33139 of 2023

P.VELMURUGAN, J.,

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W.P.No.33139 of 2023

24.11.2023