



W.P.No.29484 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.29484 of 2023

and

W.M.P.Nos.29112 & 29113 of 2023

G.Pannerselvam

... Petitioner

Vs.

1. The District Revenue Officer,
Collectorate,
Sathuvachari,
Vellore – 632 004.
2. The Sub Collector,
Collectorate,
Sathuvachari,
Vellore – 632 004.
3. The Revenue Divisional Officer,
Collectorate,
Sathuvachari,
Vellore – 632 004.
4. The Tahsildar,
Katpadi,
Vellore – 632 004.



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5. The Village Administrative Officer,
Brahmapuram Village,
Katpadi Taluk.

6. N.Kuppusamy

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to cancel the order of converting the Survey Nos.330/47, 330/48, 330/49, 330/50 and 330/51 to Survey No.330/47 in Brammapuram village, Vellore District, where the common passage is situated for the common use of the petitioner and the 6th respondent and consequently direct the respondents 1 to 5 to consider the petitioner representation dated 20.04.2023 by directing the 4th respondent to cancel the patta issued in the name of the sixth respondent which includes the common passage measuring 0.49 square meters in Survey No.330/51.

For Petitioner : Mr.M.Arun Kumar
for Sampathkumaar and Associates

For R1 to R5 : Mr.R.P.Murugan Raja
Government Advocate

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ORDER

The Writ Petition has been filed to issue a Writ of Mandamus, to direct the second respondent to cancel the order of converting the Survey Nos.330/47, 330/48, 330/49, 330/50 and 330/51 to Survey No.330/47 in Brammapuram village, Vellore District, where the common passage is situated for the common use of the petitioner and the sixth respondent and consequently direct the respondents 1 to 5 to consider the petitioner's representation dated 20.04.2023 by directing the fourth respondent to cancel the patta issued in the name of sixth respondent.

2. It is the contention of the petitioner that in view of issuance of patta in favour of the sixth respondent, the sixth respondent erected pillars in the common passage in Survey No.330/51. Aggrieved over the same, the petitioner made a representation before the District Revenue Officer, to cancel the order of converting the Survey Nos.330/47, 330/48, 330/49, 330/50 and 330/51 to Survey No.330/47, wherein, the common passage is situated and to cancel the patta issued in the name of the sixth respondent including the common passage measuring an extent of 0.49



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sq.mt in S.No.330/51 and to issue patta in the name of the petitioner and sixth respondent. Since no action has been taken by the respondents till date, this writ petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents and perused the materials available on record.

4. The District Revenue Officer, the first respondent herein has passed an order dated 10.04.2021 stating that already a civil suit is pending between the parties in O.S.No.10 of 2010 on the file of the District Munsif Court, Katpadi and directed the petitioner to file a fresh application after the outcome of the civil suit.

5. Since the parties have already approached the civil court by invoking jurisdiction of the civil court and as rightly directed by the first respondent that the aggrieved parties can file a fresh application if necessary, after the outcome of the civil court proceedings, at this stage,



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the petitioner is not entitled to get the relief as sought for in the writ petition.

6. In view of the same, the writ petition is dismissed. The petitioner is at liberty to workout his remedy in the manner known to law before the Civil Court, where the civil suit is pending. No costs. Consequently, connected miscellaneous petitions are closed.

11.10.2023

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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