



WP (MD) No.8021 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Veerappan

... Petitioner

Vs

- 1.The Principal Secretary /
the Commissioner of Land Administration,
Land Survey and Planning Commissioner of Lad Tax,
Elizhaham, Chepakkam,
Chennai – 600 005.
- 2.The District Collector,
Office of the District Collector,
Sivagangai District.
- 3.The Sub Collector,
Devakottai Sub Collector Office,
Sivagangai District.
- 4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent No.2 to take action on the basis of the communication sent by the respondent No.1 in No.G2/419/2017 dated 09.01.2017 in accordance with law within the time stipulated by this Court.



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For petitioner : Mr.R.Alagumani

For Respondents : Mr.Sarangan,
Additional Government Pleader

ORDER

This writ petition is filed with the strength of the letter dated 09.01.2017 addressed to the District Collector, Sivagangai by the Principal Secretary, Land Administration for a writ of mandamus directing the 2nd respondent to take action based on the communication sent by the Principal Secretary, Land Administration dated 09.01.2017.

2.The petitioner has submitted a representation dated 02.01.2017 to the Commissioner of Land Administration and other respondents. The representation sent to the Commissioner of Land Administration was forwarded to the District Collector, Sivagangai with a request to take action on the petitioner's representation.

3.The case of the petitioner is that the petitioner is not having any pathway for his land and therefore, he requested the revenue officials to provide pathway for his land by way of representation and filed this writ petition.



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4. The learned Additional Government Pleader appearing for the officials respondents submits that the petitioner has purchased the Ryotwari punja land for cultivation, but constructed a house without any building plan approval and without any pathway. Subsequently he has submitted a representation for providing pathway and also filed this writ petition. According to the learned Additional Government Pleader, the adjacent lands of this petitioner's land were vacant before the inam settlement and the petitioner has used those vacant lands as a pathway. During the settlement period, the said lands were classified as Sarkar Poramboke and pattas were also issued to the persons, who were possessing house as on the date and the pattadhars have built houses on the land assigned.

5. The learned Additional Government Pleader further submits that during the natham settlement the Mithirankudi Village Natham S.No.205/1 was bifurcated as S.No.544 and sub divided into various numbers. The house site assignment pattas were given for the lands in S.Nos.544/1, 544/23, 544/24 and 544/25 to one C.Ganesan, C.Ganesan, K.Meenaktchi and K.Rammamal respectively based on the applications submitted by them. The assignees have constructed houses in their assigned lands except the land in S.No.544/4, which is still kept as vacant land. Since the Northern side of the petitioner's land were built with houses, the



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petitioner could not approach the common pathway to reach his house. If any deviation in grant of patta assigned, the petitioner should have appealed before the 3rd respondent. Since the land under question is not classified as pathway land, ie., village natham, the claim of the petitioner is not sustainable one.

6.The learned Additional Government Pleader further pointed out that the petitioner has submitted a representation in the month of January 2017 and filed this writ petition in the month of April 2017. Due to the pendency of this writ petition, they are not in a position to take any decision.

7.Considering the submission of the learned Additional Government Pleader, this writ petition is disposed of with a direction to the respondents to take a decision on the petitioner's representation in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

03.10.2023

Internet : Yes / No

Index : Yes / No

NCC : Yes / No

dsk



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To

WEB COPY

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