



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.1836 of 2024 and
W.M.P. Nos.1907 and 1909 of 2024

Selvaraj

... Petitioner

Vs.

1. The District Collector
Cuddalore District Collectorate
Cuddalore District - 607 001
2. The Sub Collector
Cuddalore District Collectorate
Cuddalore District - 607 001
3. The Tahsildar
Lalkhan Street
Chidambaram - 608 002
4. Cuddalore District Town and Village Planning Officer
No.6/4, Srinivasa Pillai Street,
Pudupalayam
Cuddalore - 607 001
5. The Panchayat President
Kovilampoondi Village
Chidambaram Taluk
Cuddalore District - 608 002



6. The Block Development Officer
Kovilampoondi Village
Chidambaram Taluk
Cuddalore District - 608 002

7. The Village Administrative Officer
Kovilampoondi Village
Chidambaram Taluk
Cuddalore District - 608 002

8. Mrs.Prema

9. Senthil

10.Ravichandran

11. Moorthy

12. Dhanalakshmi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of 2nd respondent issued pertaining to N.K.A.1/2217/2013 on 27.09.2023 and quash the same and to direct the respondents 1 to 7 re-surveying the said Survey No.6/1 by cancelling all sub-division Patta issued, after giving proper notice to the petitioner and other interested parties and issue Patta based on the petitioner's representation dated 12.01.2024.

For Petitioner : Mr.M.Balaji

For R1 to R4 & R7 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

For R5 and R6 : Mrs.E.Indhumathi
Government Advocate

**ORDER**

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This Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for the records of 2nd respondent issued pertaining to N.K.A.1/2217/2013 on 27.09.2023 and quash the same and to direct the respondents 1 to 7 re-surveying the said Survey No.6/1 by cancelling all sub-division Patta issued, after giving proper notice to the petitioner and other interested parties and issue Patta based on the petitioner's representation dated 12.01.2024.

2. The case of the petitioner is that he purchased the subject property in the name of his minor son in the year 1991 and they are still in possession and enjoyment of the said property. While so, the 7th respondent illegally encroached his land and constructing a house and also blocked his pathway. Hence, many request letters were given to the authorities concern. Further, the same survey number has been sub divided by the Revenue Officials and Patta has also been issued in the name of the private respondents herein. But the petitioner was not informed about the subdivision either orally or in writing and that the Revenue Officials have unilaterally and arbitrarily surveyed the land and issued sub division Patta in contravention of legal principles contemplated in Tamil Nadu Patta Pass Book Act, 1983. On coming to know



that the name of some other persons have been included in the said Survey Number, the petitioner made a petitions to the authorities to cancel the same and to issue a Patta in the name of the petitioner's son. Further, on 10.08.2023, in the Grievance Day meeting, the petitioner submitted an application to the District Collector, Cuddalore, to measure the property and to issue a Patta number. Subsequently, based on the report of the Administrative Officers and authorities, the Sub-Collector passed the impugned order stating that after the outcome of the civil case, further action would be taken. Hence, the present writ petition is filed with the above prayer.

3. Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader takes notice for the respondents 1 to 4 and 7. Mrs.E.Indhumathi, learned Government Advocate takes notice for the respondents 5 and 6. Since no adverse order is to be passed against the respondents 8 to 12, notice to the respondents 8 to 12 is dispensed with.

4. In the impugned order, it is only stated that after the outcome of the civil suit, further action would be taken in respect of surveying the land. Since already a civil suit is pending with regard to the same peice of land, this Court is not inclined to interfere with the order passed by the 2nd respondent.



However, the petitioner is at liberty to work out his remedy in the manner known to law.

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5. With the above observations, this Writ Petition is disposed of at the admission stage itself. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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