



WEB COPY



W.P.No.10389 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.10389 of 2019 and
W.M.P.No.2623 of 2024

N.Arumugam

... Petitioner

-VS-

1. The District Collector,
Perambalur District.
2. The District Revenue Officer,
Perambalur Taluk & District.
3. The Revenue Divisional Officer,
Perambalur Revenue Division,
Perambalur District.
4. The Assistant Director of Land &
Survey Department,
Perambalur District.
5. The Tahsildar,
Veppanthattai Taluk,
Perambalur District.
6. The Block Development Officer,
Veppanthattai Taluk,
Perambalur District.
7. Mr.T.Kasirajan
8. Mr.R.Rayamuthu

... Respondents



W.P.No.10...

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 6 herein to retrieve and restore the public property measuring an extent of 30 cents comprised in Old Survey No.274/8 classified as “Government Tharisu” now encroached by the private respondents 7 & 8 herein and restore the common cart track from the main road to the pond situated in S.No.274/7 as well as for the “Mandabam” in S.No.271/2 at Mettupalayam North Village, Veppanthattai Taluk, Perambalur District.

For Petitioner	:	Mr.R.Veeramani
For R1 to R6	:	Mr.Karthik Jagannath Govt. Advocate
For R7	:	No Appearance
For R8	:	Not Ready

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed for a direction to the respondents 1 to 6 herein to retrieve and restore the public property measuring an extent of 30 cents comprised in Old Survey No.274/8 classified as “Government Tharisu” now encroached by the private respondents 7 & 8 herein and restore the common cart track from the main road to the pond situated in S.No.274/7 as well as for the “Mandabam” in S.No.271/2 at Mettupalayam North Village, Veppanthattai Taluk, Perambalur District.



W.P.No.10...

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2. When the matter is taken up for hearing, it is represented by the learned Government Advocate that though the land in question was initially classified as Government Tharisu, subsequently, it has been converted into a patta land and therefore, the remedy lies to the petitioner only before the District Revenue Officer in terms of G.O.(Ms) No.385 dated 17.08.2004 for seeking classification of the land. He has further represented that the petitioner, without resorting to such remedy, has straightaway approached this Court.

3. Learned counsel for the petitioner has submitted that the said classification of the land as patta land is contrary to the provisions of law.

4. We are of the view that this Court cannot go into that aspect, when there is a Government Order to that effect. When the petitioner is having appropriate remedy for further course of action, the prayer sought for in the Writ Petition cannot be entertained at this stage. Hence, it is open to the petitioner to approach the District Revenue Officer, Perambalur District for re-classification of the land.

5. With the above observation, this Writ Petition is disposed for with liberty to the petitioner to approach the District Revenue Officer, Perambalur District,



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W.P.No.10389 of 2019

HON'BLE ACTING CHIEF JUSTICE,
AND
K.KUMARESH BABU,J.,
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seeking necessary orders as per the Government Order stated supra. No costs.

Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,ACJ.] [K.B.,J.]
31.07.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

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