



W.P.No.13979 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM :

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

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.No.13979 of 2024 and

WMP Nos.15169 of 2024

T.S.Bharathi Mohan

... Petitioner

Vs.

1. The Land Commissioner,
Ezhilagam, Chepauk, Chennai 600 005.

2. The District Collector,
Thiruvaur District.

3. The District Revenue Officer,
Thiruvarur District.

4. The Tahsildar, Mannargudi Taluk,
Mannargudi.

5. The Commissioner, Mannargudi Municipality,
Mannargudi.

6. V.M.Kaliaperumal

... Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 5 to restore the government property at Old S.No.4300/2, New S.No.213, Block 63, Ward No.1, Mannargudi Town, back to its original position and consequently, cancel the fraudulent and illegal mutation in the name of the sixth respondent, by considering the petitioner's representation given to the first respondent in January 2024, which has been forwarded to the third respondent on 31.01.2024 and to the fourth respondent on 24.04.2024.

For Petitioner : Mr.N.C.Jagadish

For Respondents : Mr.A.Edwin Prabakar, State Government Pleader
for respondents 1 to 4

Mr.P.Srinivas for sixth respondent

Mr.K.A.Ravindran for sixth respondent

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed to direct the respondents 1 to 5 to restore the government property at Old S.No.4300/2, New S.No.213, Block 63, Ward No.1, Mannargudi Town, back to its original position and consequently, cancel the fraudulent and illegal mutation in the name of the



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sixth respondent, by considering the petitioner's representation given to the first respondent in January 2024, which has been forwarded to the third respondent on 31.01.2024 and to the fourth respondent on 24.04.2024.

2. The petitioner is the elected councilor of Ward No.28, Mannargudi Municipality. As per 'A' Register, the land in Block No.63, Survey No.4300 in Mannargudi Town is a government poromboke land, which is classified as pathway (vazhithadam) and the said road is being used by public and also the residents in and around the area. The sixth respondent has attempted to block the said road, claiming as if he is the owner of the land and he got patta in respect of the land in S.No.4300/2, New S.No.213.

2.1. According to the petitioner, in the Survey Field Measurement Book, the said land is shown as ' Road ' without any sub division. But, subsequently, the said land in S.No.4300 has been sub divided and thereafter, S.No.4300/2 has been shown as a private land belonging to the sixth respondent and for the same new Survey Number was assigned as 213. On verification, it was found that the sixth respondent in collusion with the



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revenue authorities had filed O.S.No.102/2012 and obtained a decree for bare injunction as against the respondents 2 to 4. Though the petitioner given a representation to the first respondent to take action against the illegal patta granted in favour of the sixth respondent, in respect of government property in S.No.4300, Mannargudi Town, the same is pending without any consideration. Hence this writ petition has been filed, as public Interest Litigation.

3. The learned State Government Pleader appearing for the respondents 1 to 4 submitted that, the Revenue Divisional Officer has initiated suo-motu proceedings, as against the patta granted to the third parties, with respect to the government lands and issued notice to the authorities concerned for cancellation of patta. He further submitted that the petitioner as well as the parties concerned were appeared before the Revenue Divisional Officer and now enquiry is pending.

4. The learned counsel for the sixth respondent submitted that the sixth respondent has not encroached any road, comprised in survey



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No.4300/1, as alleged by the writ petitioner. He further submitted that the adjacent land in S.No.4300/2 was classified as assessed waste land, which was reflected in the Settlement Register for Municipal Towns and the said lands were in possession of the vendors of the sixth respondent and rough patta was also granted to them in respect of the above lands, in accordance with G.O.(1D) No.103, (Revenue SS.II(1) Department), dated 01.03.2007. Therefore, without properly analyzing the entire facts and records, the petitioner has filed the writ petition and hence, he seeks for dismissal of the writ petition.

5. Heard the learned counsel appearing for the parties and we have perused the materials on record.

6. According to the petitioner, the land in question is a government puramboke road; subsequently it was subdivided and granted patta in favour of the sixth respondent. The District Collector, Thiruvarur District/second respondent has stated in the counter affidavit that, in the Town Survey Register, the original classification of the land with regard to survey



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No.4300/2 was "Government Punjai Assessed Waste", but it has been changed as " Rayat Punjai", thereby the entries of the land was made in favour of the vendors of the sixth respondent and patta was also granted to the sixth respondent. The contention of the official respondents is that, action has been initiated to cancel the patta issued by the Assistant Director of Land Survey in favour of the sixth respondent and further notice was also sent to the petitioner as well as the sixth respondent to be present before the Revenue Divisional Officer for enquiry along with all available records and documents.

7. It is denied by the sixth respondent that he has not encroached any government land as alleged by the petitioner and patta was granted in favour of him, in accordance with G.O.(1D) No.103 (Revenue SS.II (1) Department) dated 0103.2007. Further, with regard to the disputed property, the sixth respondent had obtained bare injunction order as against the official respondents in O.S.No.102/2012, dated 16.08.2013.



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8. Considering all the above facts and also taking into account the fact that enquiry with regard to the disputed property is pending before the Revenue Divisional Officer, we inclined to pass the following order.

i) The petitioner and the sixth respondent shall co-operate for enquiry before the Revenue Divisional Officer along with the documents available with them.

ii) The petitioner is also at liberty to make an Appeal or Representation before the Revenue Divisional Officer, with regard to the granting of patta to the sixth respondent, in respect of the property in question, within a period of two weeks from the date of receipt of a copy of this order.

iii) On such Appeal or Representation being received, the Revenue Divisional Officer is directed to consider the same and pass appropriate orders, in accordance with law, after affording opportunities to the parties concerned, within a period of twelve weeks from the date of receipt of such appeal or representation.



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WEB COPY 9. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(D.K.K., A.CJ.) (K.B.J.)
25.07.2024
(1/2)

Internet: Yes/No

Index : Yes/No

mst

To

1. The Land Commissioner,
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THE HON'BLE ACTING CHIEF JUSTICE

and

K. KUMARESH BABU, J.

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