



WEB COPY



W.P.No.27293 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :07.11.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.27293 of 2024

V.Selvakumari

... Petitioner

Vs

1. The District Collector,
Vellore District.
2. The District Revenue Officer,
Vellore.
3. The Revenue Divisional Officer,
Vellore.
4. The Tahsildar,
Katpadi Taluk,
Vellore District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of mandamus Direct the respondents 1 to 4 to rectify the mistake committed by them in unilateral subdivisions of the survey number 428/4 into that of 428 / 38 in a classification of pathway to unknown burial ground to be removed to



W.P.No.27293 of 2024

originate as one S. No 42/4 to the entire extent of 1968 Sq.ft (0.0183.0 Sq. Mt.) to be united as it was before.

For Petitioner : Mr.V.Manohar
For Respondents : Mr.A.Selvendran
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a mandamus directing the respondents 1 and 2 to rectify the mistake committed by them in the unilateral subdivision of Survey Number 428/4 into Survey Number 428/38 by removing the classification of the pathway to an unknown burial ground and restoring the original designation as Survey Number 428/4 for the entire extent of 1968 sq. ft (0.0183.0 sq. m.), uniting it as it was before.

2. The grievance of the petitioner is that despite the fact that in the year 2007, a patta had been granted to her with reference to the



W.P.No.27293 of 2024

entire extent of 1968 sq.ft. (00183 sq.mt) in patta No.3412 on the basis of a third party claim, the 3rd respondent had subdivided the land by carving out a pathway from the petitioner's patta land to access a non-exist burial ground. Therefore, this Writ Petition has been filed.

3. A counter affidavit has been filed by the 4th respondent, wherein in paragraph 8 it has been stated as follows:-

“I submit that the 4th respondent in his letter dated Na.Ka.No.B3, 2294/2024 dated 11.09.2024, addressed to the District Collector Vellore, had stated that land stated as pathway is not required and patta can be given to the petitioner on following the due process of law and on conducting enquiry and patta will be granted to the writ petitioner as and when the District Collector passes an appropriate order in



W.P.No.27293 of 2024

this regard.”

WEB COPY

4. Recording the above statement made in the counter affidavit, this Writ Petition is disposed of with a direction to the 1st respondent to pass appropriate orders granting patta to the entire extent of 1968 sq.ft within a period of 3 weeks from the date of receipt of a copy of this order and restore the property to its original state. There shall be no order as to costs.

07.11.2024

Index: Yes/No

srn

To

1. The District Collector,
Vellore District.
2. The District Revenue Officer,
Vellore.

4/6



W.P.No.27293 of 2024

3. The Revenue Divisional Officer,
Vellore.

WEB COPY

4. The Tahsildar,
Katpadi Taluk,
Vellore District



WEB COPY



W.P.No.27293 of 2024

P.T.ASHA, J.,

srn

W.P.No.27293 of 2024

07.11.2024