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W.P.No.34199 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 34199 of 2023

M.Perumal

... Petitioner

versus

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Krishnagiri – 635 001.

2.The Tahsildar,
Krishnagiri Taluk Office,
Krishnagiri – 635 001.

3.Chinnamuniyappan

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 30.10.2023 and cancel the Patta No.1077 issued to the third respondent in S.Nos.372/5, 373/4 measuring about 0.19.50 hectare situated at Devarmukkulam Village, Karadihalli Revenue Taluk, Kaveripattinam Union, Krishnagiri District.

Pg.Nos.1/8



W.P.No.34199 of 2023

For Petitioner : Mr.S.Nagarajan

For Respondents : Mr.T.Arunkumar

Additional Government Pleader
for R1 and R2

No appearance for R3

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus, directing the first respondent to consider the petitioner's representation dated 30.10.2023, in and by which, the petitioner sought to cancel the Patta in Patta No.1077 issued to the third respondent herein in respect of the properties in S.Nos.372/5 and 373/4, measuring an extent of 0.19.50 hectare situated at Devarmukkulam Village, Karadihalli Revenue Taluk, Kaveripattinam Union, Krishnagiri District.

2. Learned counsel for the petitioner submits that the lands in S.Nos.372/5 and 373/4, situated Devarmukkulam Village, are classified as public pathway in the A-Register. It is stated that the third respondent has



W.P.No.34199 of 2023

encroached upon the public pathway and cultivating crops. Hence, the petitioner approached the authority concerned to remove the encroachments made by the third respondent. Since there was no response, the petitioner filed a writ petition in W.P.No.26597 of 2023. At the time of admission of the said writ petition, though respondents 1 and 2 herein have submitted that S.Nos.372/5 and 373/4 are Patta lands, issued in favour of the third respondent and this Court disposed of the said writ petition on 13.09.2023 by observing that in case the petitioner is aggrieved by issuance of patta in favour of the third respondent, then the petitioner may take steps as provided under the provisions of the Tamil Nadu Patta Passbook Act, 1983. Therefore, the petitioner has given a representation dated 19.09.2023 to respondents 1 and 2 to cancel the Patta No.1077 issued in favour of the third respondent and a reminder dated 30.11.2023, but the official respondents have not considered the same till date.

3. Learned Additional Government Pleader appearing for respondents 1 and 2, by referring to the counter affidavit, submitted that the subject lands are Patta lands and Patta was issued in favour of the third respondent



W.P.No.34199 of 2023

and the third respondent has allowed the villagers to use the portion of the land as pathway. He further submitted that a Panchayat "Thar road" is passing on the middle of the said patta lands, which is in existence for the past about 25 years. The said road measuring 8 kms length and 15 feet width, starts from Devarmukkulam Village and ends at Karimangalam Village. The road is passing to an extent of 150 mts in the patta land of the third respondent. He further submitted that the third respondent has not at all obstructed the movement of vehicles in the said road. Further, there are no provisions of law to cancel the Patta of a private persons.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2 and perused the materials available on record.

5. Despite service of notice, the third respondent has not chosen to enter appearance either through a counsel or in person.

6. Though it is the case of the petitioner that land in question is not a



W.P.No.34199 of 2023

Patta land, but the counter of the second respondent clearly reveals that the land is a Patta land and the third respondent has been granted Patta and further the third respondent has allowed the villagers to use a portion of the land as a pathway. In view of the stand taken by respondents 1 and 2, it is clear that a portion of the land is being used as a pathway for the past about 25 years and such being the case, in the interest of public, this Court without going into the merits of the case, directs respondents 1 and 2 to measure the property and earmark the land to an extent of 150 mts length and 15 feet width as road to be used by the public and necessary entries shall be made in the 'A' Register.

7. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs.

05.03.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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Pg.Nos.5/8



WEB COPY



W.P.No.34199 of 2023



WEB COPY



W.P.No.34199 of 2023

To

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Krishnagiri – 635 001.

2.The Tahsildar,
Krishnagiri Taluk Office,
Krishnagiri – 635 001.



WEB COPY



W.P.No.34199 of 2023

P.VELMURUGAN, J.

ms

W.P.No.34199 of 2023

05.03.2024

Pg.Nos.8/8