



W.P.No.37127 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.37127 of 2024

Alagappan
S/o.Rajangam

... Petitioner

Vs.

1. The District Collector
Cuddalore District
Cuddalore.
2. The Revenue Divisional Officer
Cuddalore Revenue Division
O/o.Cuddalore District Collector
Cuddalore.
3. The Assistant Director of Panchayat
O/o. Cuddalore District Collector
Cuddalore.
4. The Tahsildar
Kurinchipadi Taluk
Kurinchipadi
Cuddalore District.

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5. The Block Development Officer
Kurinchipadi Taluk
Kurinchipadi
Cuddalore District.

6. The Executive Officer
Kurinchipadi Town Panchayat
Kurinchipadi
Cuddalore District.

7. Sivasankaran
S/o.Uthandi

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 6 to remove the encroachment in public pathway made by the 7th respondent and cancel the patta issued in favour of the 7th respondent in Survey No.387/16 based on the petitioner's representation dated 07.11.2024.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.M.S.Arasakumar
Government Advocate
for R1 to R4
Mr.G.Velu
Additional Government Pleader
for R5 and R6



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ORDER

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[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} pertains to 'land in S.No.387/16 in Ellappanpettai Village, Kurinchipadi Taluk, Cudalore Taluk, Then Arcot Vallalar District (now Cuddalore District)' {hereinafter 'said land' for the sake of brevity}.

2. At the outset, we find that the prayer reads as follows:

'For the reasons stated above in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to iss a Writ of Mandamus or any appropriate writ, directing or order in the nature of the writ, directing the respondents 1 to 6 to remove the encroachment in public pathway made by the 7th respondent and cancel the patta issued in favour of the 7th respondent in Survey No.387/16 based on the petitioner's representation dated 07.11.2024.'

3. It is rather unfortunate that prayer gives only survey number without name of Village, Taluk and District. Ideally, Registry ought to have raised an objection.

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4. We find that the captioned WP can be dismissed on the short point that the prayer is vague. Nonetheless, considering the facts and circumstances of the case, we made an exception and heard the matter. It is very clear that prayer of writ petitioner is to cancel the patta issued to R7. We are not inclined to entertain the captioned WP as the writ petitioner has to seek redressal either under the appropriate Statute or by filing civil suit. Rights and contentions of writ petitioner are preserved to take recourse to appropriate Statute or to take recourse to file civil suit.

Captioned WP fails to pass muster in the Admission Board and the same is dismissed albeit with observation and preservation of rights as above. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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To

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