



W.P.(MD)No.5217 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

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CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5217 of 2024

K.Gopi

: Petitioner

Vs.

1.The District Collector,
Collector Office,
Trichy – 620 001.

2.The District Revenue Officer,
Collector Office,
Trichy – 620 001.

3.The Revenue Divisional Officer,
Old Collector Office Compound,
Trichy – 620 001.

4.The Tahsildar,
Trichy West Taluk Office,
Trichy.

5.The Assistant Director of Survey and Land Records,
Collector Office,
Trichy – 620 001.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the respondents not to change the classification of the land in the 'A' register maintained by the respondents in respect of the public pathway situated in Town Survey Nos.42, 45, 48 in Block No.26 in Y.New Ward, Back side to the Summer House, Puthur Village, Abisegapuram Circle, Trichy Corporation – 5.

For Petitioner : Mr.I.Velpradeep

For Respondents : Mr.P.Thilak Kumar

Government Pleader

O R D E R

[Order of the Court was made by **D.KRISHNAKUMAR, J.**]

This Writ Petition has been filed seeking for a direction to the respondents not to change the classification of the land in the 'A' register maintained by the respondents in respect of the public pathway situated in Town Survey Nos.42, 45, 48 in Block No.26 in Y.New Ward, Back side to the Summer House, Puthur Village, Abisegapuram Circle, Trichy Corporation – 5.

2.Heard Mr.I.Velpradeep, learned Counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader for the respondents.



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3.The petitioner, apprehending that one Yusuff Abdul Karim is approaching the authorities for change of classification of the property in Town Survey Nos.42, 45, 48 in Block No.26 in Y.New Ward, Back side to the Summer House, Puthur Village, Abisegapuram Circle, Trichy, has preferred the present writ petition.

4.The learned Counsel for the petitioner submits that the said Yusuff Abdul Karim has encroached upon the aforesaid property which is classified as a street. Therefore, the said classification cannot be changed at the instance of the said person. In this regard, the petitioner has made a representation to the respondents, objecting to the change of classification.

5.Learned Government Pleader appearing for the respondents strongly objected this petition on the point of maintainability, since no order has been passed by the respondents yet. Further, the Commissioner of Trichy Corporation is a necessary party who has not been arrayed as respondent in the present writ petition.

6.In view of the above, we are of the view that the petitioner has filed the present writ petition merely on



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apprehension. As rightly pointed out by the learned Government Pleader, the Commissioner of Trichy Corporation has not been arrayed as a party. Since this Writ Petition is only on apprehension, if in future any order is passed by the respondents reclassifying the property in question, then the petitioner is always open to approach the authorities concerned in the manner known to law. It is needless to say that the petitioner's objection shall be considered by the respondents at the time of reclassifying the property in question.

7. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

[D.K.K.,J.] & [R.V.,J.]

06.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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ORDER MADE IN

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