



W.P.(MD)No.18189 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.18189 of 2018

and

W.M.P(MD)No.16089 of 2018

1.PR.Kalimuthan

2.K.Raja

...Petitioners

-Vs-

1.The District Revenue Officer,
Master Plan Complex,
Sivagangai District.

2.N.Karungan

3.The Tashildar,
Kalayarkovil,
Sivagangai District.

4.The Executive Officer,
Kalayarkovil Town Panchayat,
Kalayarkovil, Sivagangai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of 1st respondent in ref.Pa.Mu.Pi4/24543/15 dated 20/06/2016 signed on 02/07/2018 and quash the same in so far as treating the patta land of petitioners as a road and consequently direct the respondents 3 & 4 herein to restore the patta land to the petitioners in S.No.311 / 5A & 311 /



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5B in Gowripatti Group, Sivagangai District and finally direct the respondents 2 & 4 herein to jointly pay suitable compensation for making illegal encroachment into the patta land causing mental agony caused and making them to run from pillar for their legal remedy before quash judicial authority as well as this Court by filing writ petitions.

For Petitioners : Mr.S.Srinivasa Raghavan

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader
for RR1, 3 & 4
Mr.N.Tamil Mani for R2

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent in ref.Pa.Mu.Pi4/24543/15 dated 20/06/2016 signed on 02/07/2018 and quash the same in so far as treating the patta land of petitioners as a road and consequently direct the respondents 3 & 4 herein to restore the patta land to the petitioners in S.No.311 / 5A & 311 / 5B in Gowripatti Group, Sivagangai District and finally direct the respondents 2 & 4 herein to jointly pay suitable compensation for making illegal encroachment into the patta land causing mental agony caused and making them to run from pillar for their legal remedy before quash judicial authority as well as this Court by filing writ petitions.



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2.A perusal of the records reveals that the petitioner is the owner of the land comprising in Survey No.311/5A, 311/5B situated in Gowripatti Group, Sivagangai District. In a land comprised in survey No.311/5B to an extent of 3 meter width and 10.4 meter length, there is a cement road laid by the Panchayat and the same is used for general public. The land, comprising in both the survey numbers, the petitioner was granted patta. However, the first respondent ordered to maintain status quo in respect of the subject property till the disposal of these writ petitions in W.P.(MD)Nos.5923 and 5955 of 2016.

3.Both the writ petitions were already dismissed by an order dated 02.12.2021, since the first respondent proceeds with the enquiry. Therefore, except the road, the remaining land stands in the name of the petitioner comprising in Survey Nos.311/5A & 311/5B in Gowripatti Group, Sivagangai District.

4.The petitioner can deal with the property except the road portion comprising in survey No.311/5B, if there is any dispute in respect of the road portion, the parties are at liberty to approach the civil Court for appropriate remedy. Accordingly, the orders passed by the first respondent is clarified and



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this writ petition is disposed of. No costs. Consequently, connected

miscellaneous petition is also closed.

19.11.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

RJR

To

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RJR

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