



W.P.(MD) No.31242 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.31242 of 2023

SP.Raja

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The District Revenue Officer (RDO),
Sivagangai,
Sivagangai District.
- 3.The Revenue Divisional Officer (RDO),
Devakkottai,
Sivagangai District.
- 4.The Tahsildar,
Karaikudi.



W.P.(MD) No.31242 of 2023

5. The Block Development Officer,
Sakkottai Panchayat Union,
Sakkottai,
Karaikudi Taluk,
Sivagangai District.

6. E. Rajesh

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication of the 4th respondent dated 20/04/2023 in Na.Ka.Aa5/6745/2023 and quash the same and directing the respondents 1 to 5 to take follow-up action on the basis of the representation of the petitioner dated 09.08.2022 for inspection of layout formed in S.No.247/3, 247/4, 247/5 in Illupakudi Village, Karaikudi Taluk Sivagangai District and to take action for the violation of the layout rules and to remove any obstructions in the pathway impeding the access of the petitioner to his lands and to take suitable action.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.S.P.Maharajan,
Special Govt. Pleader for R1 to R4



W.P.(MD) No.31242 of 2023

WEB COPY

ORDER

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

Challenging the order passed by the fourth respondent dated 20.04.2023 in Na.Ka.Aa5/6745/2023, the petitioner has filed this Writ Petition with a consequential direction to the respondents 1 to 5 to take follow-up action on the basis of the representation of the petitioner dated 09.08.2022 for inspection of layout formed in S.No.247/3, 247/4, 247/5 in Illupakudi Village, Karaikudi Taluk Sivagangai District and to take action for the violation of the layout rules and to remove any obstructions in the pathway impeding the access of the petitioner to his lands and to take suitable action.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4.



W.P.(MD) No.31242 of 2023

WEB COPY

3. The allegation of the petitioner is that on the northern side of the petitioner's property, the sixth respondent has formed a layout in S.Nos.247/3, 247/4 and 247/5 in Illuppakudi Village, Karaikudi Taluk, violating the layout rules and impeding the access of the petitioner to his lands. Further, the sixth respondent has also made an encroachment in the property in question. In this regard, the petitioner has made a representation to the respondents. However, the same was not considered by the respondents. Hence, the petitioner has filed a Writ Petition before this Court in W.P.(MD)No.23681 of 2022 and this Court by order dated 09.11.2022, directed the respondents to consider the representation of the petitioner after affording opportunity of hearing to all the parties concerned and remove the encroachment after issuing notice and conducting survey in the property in question.

4. Pursuant to the order passed by this Court, the fourth respondent has conducted spot inspection and passed the impugned communication dated 20.04.2023. According to the petitioner, the said spot inspection has not been



W.P.(MD) No.31242 of 2023

WEB CONDUCTED properly by the fourth respondent. Hence, the impugned order is liable to be set aside.

5. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that the property in question has been classified as patta lands and after providing opportunity to all the parties concerned, the fourth respondent has conducted spot inspection and passed the impugned order.

6. On a perusal of the impugned order, it is seen that the fourth respondent has passed a detailed order by rejecting the claim of the petitioner stating that the property in question has been classified as patta lands. Further, in the typed set of papers, there is no material to substantiate the claim of the Writ Petitioner. Therefore, we are of the view that there is no prima facie case has been made out and the dispute as alleged by the petitioner cannot be decided by this Court under Article 226 of the Constitution of India. If the petitioner has any legal right over the property, it is for the petitioner to work out his remedy before the civil Court. Hence, this Writ Petition is liable to be dismissed.



W.P.(MD) No.31242 of 2023

WEB COPY 7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

[D.K.K., J.] [R.V., J.]
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Neutral Citation: Yes / No
Index : Yes / No

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W.P.(MD) No.31242 of 2023

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W.P.(MD) No.31242 of 2023

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W.P.(MD) No.31242 of 2023

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