



W.P. No.17797 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.17797 of 2025

and

W.M.P. No.20058 of 2025

B.Rajan

Petitioner(s)

Vs

1.The District Collector,
Krishangiri District, Collector Office Road,
Tamilnadu-635 115.

2.The Tahsildar
Denkanikottai Taluk,
Krishnagiri District-635 107.

3.The District Revenue Officer,
Krishnagiri District,
Tamilnadu-635 001.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 1st respondent to issue appropriate instructions to the 2nd and 3rd respondents from interfering with the possession of the petitioner in the comprising S.No.480/4A, 4B, 4C, Agalakotta village, Denkanilkotta Taluk, Krishnagiri District.

For Petitioner(s) : Mr.Vishnu VR
for Ms.V.Srimathi

For Respondent(s) : Mr.A.Selvendran
Special Government Pleader



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ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed praying for a writ of mandamus to issue instructions to the 3rd respondent from interfering with the possession of properties comprised in Survey Nos.480/4A, 4B, 4C to an extent of 1.51.50 hectares in Agalakotta Village, Denkanilkotta Taluk, Krishnagiri District.

3. It is the submission of the learned counsel for petitioner that the properties comprised in Survey Nos.480/4A, 4B and 4C originally belonged to the petitioner's grandfather Ottiyappa. Thereafter, on the basis of partition between petitioner's grandfather Ottiyappa, Munivengatamma grandmother of petitioner, Kattiyappa brother of Ottiyappa, Basappa son of Ottiyappa and Narayanan son of Ottiyappa, Survey No.480/4 was allotted to Ottiyappa and his wife Munivengatamma vide partition registered document No.1184 of 1982. It is submitted that the oral partition took place between petitioner's father Basappa and his brother Narayanan. While so, Narayanan, brother of petitioner's father had sold the property to petitioner's mother Venkatamma vide Document



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No.2628 of 2009 dated 20.07.2009 in Survey No.480/4A to the extent of 1.25

acre and that Vengatamma had executed a registered settlement deed in favour of petitioner vide document No.6007 of 2024 dated 12.06.2024, to the extent of 1.25 acres. It is the case of the petitioner that petitioner is the owner of the property situated in Survey No.480/4A, to the extent of 1.25 acres and that Survey No.480/B, 480/C also stands in the name of petitioner's father. Petitioner's father died interstate leaving behind legal heirs viz., petitioner's mother Venkatamma, petitioner, his brothers Mahesh, Manjunath and Suresh and his sister Nagarathna. It is submitted that the legal heirs are jointly enjoying the property.

3.1. It was further submitted that one Gowramma, Ex-Panchayat President of Padikanalam Village, had given complaint to the Respondents against petitioner's mother and brothers on 12.10.2009 stating that they had illegally converted the road into agricultural land and carried out agricultural activity. The petitioner submitted a representation to the sub-collector on 19.09.2009 stating that the petitioner was deprived of his agricultural land as a thar road was laid. Aggrieved, petitioner has filed the present writ petition.

4. Mr.Sathish, learned Additional Government Pleader appearing for respondents would submit on the basis of written instructions that the above



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properties are Oorpathai i.e., pathway in terms of revenue records and also in terms of order of the District Munsif cum Judicial Magistrate Court, Denkanikottai, in O.S.No.80 of 2014 dated 15.11.2019. He would place reliance on G.O.Ms.No.57 dated 23.01.2020, and submit that the petitioner cannot claim any right over the pathway.

5. Learned counsel for petitioner would only request that the respondents comply with due process of law before evicting, agreed to by the learned counsel for respondents.

6. Accordingly writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

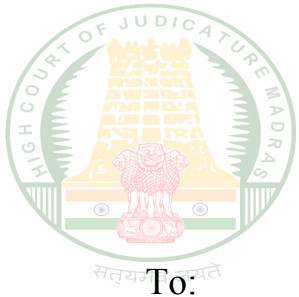
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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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MOHAMMED SHAFFIQ, J.

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