



W.P.(MD)No.5423 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5423 of 2025

and

WMP (MD) No.3972 of 2025

N.Nagaraj

: Petitioner

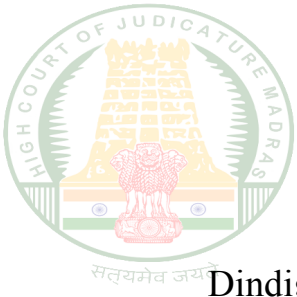
Vs.

1. The District Collector and Chairman
For Hill Area Conservation Act
(HACA), District Collector Office,
Dindigul District.

2. The District Forest Officer,
District Forest Office,
Kodaikanal,
Dindigul District.

3. The Revenue Divisional Officer,
Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

4. The Thasildar,
Kodaikanal Taluk,
Kodaikanal,



W.P.(MD)No.5423 of 2025

WEB COPY

Dindigul District.

5. The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

6. The Block Development Officer,
Union Office (Vattakanal),
Kodaikanal,
Dindigul District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 5 and 6 from laying road in the petitioners 2C patta land in bearing Survey No.576, Vellagavi Village, Kodaikanal, Dindigul District, thereby not to interfere the petitioners peaceful possession and enjoyment of the property subsequently, directing the 1st and 2nd respondent to take suitable action against for uprooting the alive green trees within a time frame as fixed by this Honble Court.

For Petitioner : Mr.D.Antony Santhosh

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader
for R1 to R4

Mr.T.S.Mohammed Mohideen
for R5

Mr.P.Thambidurai

Government Advocate for R6



W.P.(MD)No.5423 of 2025

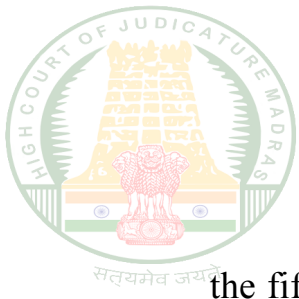
WEB COPY

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents 5 and 6 from laying road in the petitioners 2C patta land bearing Survey No.576, Vellagavi Village, Kodaikanal, Dindigul District and not to interfere with the petitioner's peaceful possession and enjoyment of the property and for a consequential direction to the respondents 1 and 2 to take suitable action against for uprooting the trees within a time frame.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that for the past three decades, he and his family have been cultivating agricultural crops and planting fruit trees on the subject land, having obtained a 2C Patta in favor of his mother and have been regularly paying taxes for the said land. The grievance of the petitioner is that, without any prior notice or intimation,



W.P.(MD)No.5423 of 2025

WEB COPY

the fifth and sixth respondents deliberately entered the cultivated land to lay a road, causing damage to the petitioner's trees. Aggrieved by this, the petitioner has filed the present writ petition.

4. The learned Additional Government Pleader, appearing on behalf of the respondents 1 to 4, submitted that the petitioner holds only 2C Patta, which grants him occupancy rights for agricultural purposes, but does not confer full ownership of the land. The 2C Patta is limited in scope, and as such, the petitioner has no absolute right to prevent the government from utilizing the land for public purposes, including road construction. Since the subject land is ultimately classified as government land, the respondents are within their legal rights to undertake the road-laying project without the petitioner's consent.

5. After considering the submissions made, it is clear that the petitioner holds only 2C Patta for the subject land, for the limited purpose. It is pertinent to note that 2C Patta does not confer full ownership of the land. The land in question is classified as government land and hence, the petitioner does not have the authority to challenge the use of the land for public purposes.



W.P.(MD)No.5423 of 2025

WEB COPY

6. In view of the above, the Writ Petition stands dismissed.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.02.2025

Index : Yes / No

Internet : Yes / No

PKN

To

1. The District Collector and C,
Hairman For Hill Area Conservation Act
(HACA), District Collector Office,
Dindigul District.

2. The District Forest Officer,
District Forest Office,
Kodaikanal,
Dindigul District.

3. The Revenue Divisional Officer,
Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

4. The Thasildar,
Kodaikanal Taluk,
Kodaikanal,
Dindigul District.



W.P.(MD)No.5423 of 2025

5. The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

6. The Block Development Officer,
Union Office (Vattakanal),
Kodaikanal,
Dindigul District.



WEB COPY



W.P.(MD)No.5423 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.5423 of 2025

28.02.2025