



WP (MD) No.11999 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.11999 of 2016

and

WMP(MD)No.9181 of 2016 and

WMP(MD)No.8162 of 2023

S.Uthayakumar

... Petitioner

Vs

1.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.

3.The President,
Muthanendal Village Panchayat,
Thuthikulam Post,
Manamadurai Taluk,
Sivagangai District.

4.Muthukamatchi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified manamus to call for the records relating to the



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impugned proceedings of the 1st respondent vide Na.Ka.A2/1191/2012 dated 14.06.2016 and Na.Ka.No.1191/2012 dated 16.06.2016 and quash the same as illegal and arbitrary and further direct the 1st respondent to issue the cheque to the petitioner's panchayat as per the proceedings dated 05.02.2016.

For petitioner : Mr.K.C.Ramalingam
for M/s.Ajmal Associates
For Respondent : Mr.G.Surya Anandh,
Nos.1 to 3 Additional Government Pleader

ORDER

The petitioner is the President of Mettumadai Village, Sivagangai District has filed this writ petition as against the orders of the Revenue Divisional Officer, Sivagangai dated 16.06.2016.

2.The case of the petitioner is that the petitioner panchayat is entitled for their share of Rs.11,67,603/- as per the proceedings of the Revenue Divisional Officer dated 05.02.2016. However, the petitioner panchayat was paid only Rs.9,63,853/- without any valid reasons. The balance amount was paid to Muthanendal village panchayat without conducting any enquiry and without providing any opportunity of hearing to the petitioner panchayat.



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3.The learned counsel for the petitioner submits that a public auction was conducted to remove the Karuvella trees grown in the Kattikulam tank. It was auctioned for Rs.75,00,000/-. Out of the said amount Rs.37,500,000/- was paid to the Public Works Department. The remaining amount was disbursed to various panchayats depending upon the extent of the water body in their respective panchayats. Though the petitioner panchayat is having an extent of 292.00.0 hectares, only Rs.9,93,000/- has been paid, instead of 11,67,603/- as fixed by the Revenue Divisional Officer.

4.The learned Additional Government Pleader by referring to the counter affidavit filed by the 1st respondent submits that after the initial calculation arrived at by the RDO, several representations have been received from various panchayats and therefore, a detailed survey was conducted by the Tahsildar and the Tahsildar has submitted a report on 27.02.2016 and has noted down mistakes in the earlier calculation. In the earlier calculation a total area of the Ayacut for Perumbacheri Village panchayat has been wrongly stated as 292 hectares and out of which, 50.95.5 hectares belongs to Pappamadai and R.Pudur village, which comes under Muthanendal panchayat and therefore, this amount has been properly divided as Rs.9,63,853/- for Perumbacheri Village and Rs.2,03,750/- for Muthanendal panchayat.



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5. Recording the above submission, this writ petition is closed with liberty to the petitioner to file suit before the competent civil Court and establish his case.

If such a suit is filed, while calculating the limitation, the period during which the writ petition was pending shall be excluded. No costs. Consequently connected miscellaneous petitions are closed.

27.11.2023

dsk

To

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Sivagangai,
Sivagangai District.
2. The Tahsildar,
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Manamadurai,
Sivagangai District.
3. The President,
Muthanendal Village Panchayat,
Thuthikulam Post,
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B.PUGALENDHI, J.

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