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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.13422 of 2015

and

M.P(MD)No.1 of 2015

K.P.Nagendran

...Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Project Director,
District Rural Development Agency,
Ramanathapuram District.

3.The Block Development Officer(Village Panchayat),
Kadaladi Panchayat Union,
Ramanathapuram District.

4.Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

5.President,
Pillaiyarkulam Village Panchayat,
Kadaladi Panchayat Union,
Ramanathapuram District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus to direct the respondents 1 to 4 to forbear the fifth respondent for the constitution of village service Center at Paddy Threshing Center (Kalam) in Survey No.258/5 of Pillayarkulam Villae, by without following the procedure laid down in Revenue Standing Order and Tamilnadu Tender Transparency Act and Rules.

For petitioner
For Respondents

: Mr.S.C.Herold Singh
: Mr.M.Rajarajan,
Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus to direct the respondents 1 to 4 to forbear the fifth respondent for the constitution of village service Center at Paddy Threshing Center(Kalam) in Survey No.258/5 of Pillayarkulam Villae, without following the procedure laid down in Revenue



Standing Order and Tamilnadu Tender Transparency Act and Rules.

2. The case of the petitioner is that the petitioner and his family members are having land at Pillayarkulam Village in various survey numbers and they are cultivating paddy between October to December every year. The land in Survey No. 258/5 is used by the petitioner and his family members as a 'paddy threshing field' for more than 100 years. Because of the joint family common property, they were not aware about the classification made in Revenue Records as Government Poramboke/Orani/Kalam. After knowing the same, the petitioner gave a representation in the year 1990 to change the classification in respect of the property which is in possession of the petitioner's family members. Now the fifth respondent is attempting to construct Village Service Center at paddy threshing center in the joint family property of the petitioner. Immediately, the petitioner made a representation to the third respondent and fourth respondent on 30.03.2015. Without considering the same, the fifth respondent had started earth work for construction of Village Service Center without calling for tender. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents

4. Though the Writ Petition has been filed for a positive direction, this Court cannot give such a positive direction. However, I find that the petitioner has given a representation to the third and fourth respondents, dated 30.03.2015. In view of the same, without going into the merits of the claim made by the petitioner, this Court directs the fourth respondent to consider the representation of the petitioner, dated 13.03.2015, and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the fourth respondent to pass appropriate orders purely on merits.

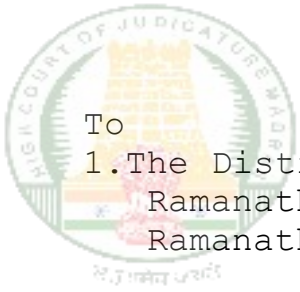
With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar



To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Project Director,
District Rural Development Agency,
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3.The Block Development Officer(Village Panchayat),
Kadaladi Panchayat Union,
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4.Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

5.President,
Pillaiyarkulam Village Panchayat,
Kadaladi Panchayat Union,
Ramanathapuram District.

+1 cc to MR.S.C.HEROLD SINGH, ADVOCATE, SR NO:51964

+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 52155

JAM/SKS-RR/21.9.15/3P-8C

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