



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2015

WEB COPY

C O R A M

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD) No.3974 of 2014

K.Irulayee

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Collectorate,
Virudhunagar-626 003.
2. The District Revenue Officer,
Collectorate,
Virudhunagar-626 003.
3. The Revenue Divisional Officer,
Sivakasi-626 124.
4. The Tahsildar,
Sivakasi Taluk,
Sivakasi-626 124.
5. M.Gothai Nachiar
6. Kovil Pillai
7. Narayanan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 to 4 herein to take appropriate action on the representation made by the petitioner through her legal notice, dated 04.07.2013, followed by the reminder dated 20.09.2013 addressed to the second respondent, forwarded by the third respondent to the fourth respondent by her proceedings in Rc.No.5/6847/2012 to the fourth respondent herein, pertaining to the lands bearing Survey Nos.561/3B and 561/3C covered under Patta No.1106 situated in Salvarpatti Village, Sivakasi Taluk, Virudhunagar District, within a time frame as may be fixed by this Hon'ble Court.

For petitioner ... Mr.S.Subbiah

<https://hcservices.ecourts.gov.in/hcservices> For R1 to R4 ... Mr.V.Muruganandam

Addl. Govt. Pleader

For R5 to R7 ... Mr.K.Rajeswaran



ORDER

The writ petition has been filed for a writ of mandamus, directing the respondents 1 to 4 herein to take appropriate action on the representation made by the petitioner through her legal notice, dated 04.07.2013, followed by reminder, dated 20.09.2013 addressed to the second respondent, forwarded by the third respondent to the fourth respondent by her proceedings in Rc.No.5/6847/2012 to the fourth respondent herein, pertaining to the lands bearing Survey Nos.561/3B and 561/3C covered under Patta No.1106 situated in Salvarpatti Village, Sivakasi Taluk, Virudhunagar District.

2. According to the petitioner, the land in Survey No.561/3B and 561/3C belongs to him. There is no public path-way or cart track or a public street passing through his lands. While so, the respondents 5 to 7 using their influence, formed a road through petitioner's land to go to their Fire Works Factory in the name of Five Hills Fire Works, in their lands, under the provisions of the Explosives Act. Further, the respondents 5 to 7 obtained permission from the authorities showing the petitioner's land as a pathway. The petitioner sent a notice to the respondents 1 to 4 on 04.07.2013, through his counsel. He also sent a reminder, dated 20.09.2013 to the second respondent. The third respondent, by the proceedings, dated 25.09.2013 bearing reference in Rc.No.A5/6847/2012 directed the fourth respondent to conduct enquiry and to survey the lands with the help of the Surveyor. Thereafter, no action was taken. Therefore, the petitioner has come out with the present writ petition for the above sated relief.

3. Heard the learned counsel appearing for the petitioner and the respondents.

4. The respondents 5 to 7 entered appearance and did not file any counter affidavit.

5. From the materials on record, it is seen that the notice sent to the second respondent was forwarded to the third respondent. The third respondent by the proceedings, dated 25.09.2013 directed the fourth respondent to conduct an enquiry and survey the land with the help of the surveyor.

6. In view of the proceedings of the third respondent issued to the fourth respondent, without deciding the issue on merits, the respondents 1 to 4 are directed to consider the representation of the petitioner, dated 04.07.2013 and 20.09.2013 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy



of this order, after giving opportunity to the petitioner and respondents 5 to 7.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Collectorate,
Virudhunagar-626 003.
2. The District Revenue Officer,
Collectorate,
Virudhunagar-626 003.
3. The Revenue Divisional Officer,
Sivakasi-626 124.
4. The Tahsildar,
Sivakasi Taluk,
Sivakasi-626 124.

+ 1 CC TO MR.K.RAJESHWARAN, ADVOCATE IN SR NO. 55372

AM
TE/AAL-MPA/ 13/10/2015 3P/6C

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18.09.2015