

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.15569 of 2016 &
W.M.P.No.13535 of 2016

G.Balathandayutham

... Petitioner

Vs.

- 1.The District Collector,
Perambalur District,
Perambalur.
- 2.The Revenue Divisional Officer,
Perambalur,
Perambalur District.
- 3.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.
- 4.The Village Administrative Officer,
Kaikalathur Village,
Kaikalathur,
Veppanthattai Taluk,
Perambalur District.
- 5.The President,
Kaikalathur Village Panchayat,
Kaikalathur,
Veppanthattai Taluk,
Perambalur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents from interfering with the possession and enjoyment of the petitioner including construction by way of replacing the tiled roof into cement sheet in Survey No.403/2, Kaikalathur Village, Veppanthattai Taluk, Perambalur District.

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For Petitioner :: Mr.P.Ganesan
For M/s.C.S.Associates

For Respondents:: Mr.P.Sanjay Gandhi
Additional Government Pleader
for R1 to R4

O R D E R

The Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, to forbear the respondents from interfering with the possession and enjoyment of the petitioner including construction by way of replacing the tiled roof into cement sheet in Survey No.403/2, Kaikalathur Village, Veppanthattai Taluk, Perambalur District.

2. According to the petitioner, he is the owner of the land measuring an extent of 969 sq.ft. and a residential building constructed therein in Survey No.403/2 in Kaikalathur Village, Veppanthattai Taluk, Perambalur District, by virtue of a registered sale deed, dated 31.01.1994, and he has been in possession and enjoyment of the same, by paying property tax and he has also obtained electricity service connection.

3. The petitioner further claims that after development of the bus stand near the house, all the adjacent owners converted the residential building to a commercial use. A portion of the petitioner's house was converted to a shop, where he is running a business of Hardware and Electricals.

4. The petitioner would further state that since the building is very old, he demolished portion of the building for re-construction. When the petitioner started reconstructing, a representation was sent to the Tahsildar by rival group. Based on the representation, the Tahsildar, came to the petitioner's property and orally instructed not to proceed with the construction. Therefore, the petitioner made a representation to the respondents 1 and 2 on 21.04.2016. Since it was not considered, the present Writ Petition has been filed.

5. Heard the learned counsels appearing for the petitioners and the learned counsel appearing for the respondents and perused the records.

6. Considering the facts and circumstances of the case and without going into the merits of the case, the second respondent-Revenue Divisional Officer is directed to consider the representation of the petitioner dated 21.04.2016, 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.

7. With the above direction, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)/VO

//True Copy//

Sub Assistant Registrar

r n s

To

- 1.The District Collector,
Perambalur District,
Perambalur.
- 2.The Revenue Divisional Officer,
Perambalur,
Perambalur District.
- 3.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.
- 4.The Village Administrative Officer,
Kaikalathur Village,
Kaikalthur,
Veppanthattai Taluk,
Perambalur District.

1 cc to Government Pleader, sr.28580

1 cc to M/s.C.S.Associates, Advocate, sr.28547

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kra 25.05.2016