

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P. No.15784 of 2016

Ramasamy Chettiar

Petitioner

vs.

1 The District Collector of Coimbatore
Collectorate
Coimbatore 641 018

2 The District Revenue Officer
Collectorate
Coimbatore 641 018

3 The Sub Collector of Pollachi
Office of the Sub Collector
Pollachi 642 001

4 The Tahsildar of Pollachi
Taluk Office
Pollachi 642 001

5 S. Prabhuram

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent, viz., the District Revenue Officer, Coimbatore, to consider the review petition dated 17.07.2015 sent by the petitioner against the orders of the third respondent Sub Collector of Pollachi dated 08.07.2015, within a time frame.

For petitioner Mr. N.E.A. Dinesh

For RR 1 to 4 Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 to 4. Notice to the fifth respondent is dispensed with, at this stage, inasmuch as no order prejudicial to his interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the second respondent, viz., the District Revenue Officer, Coimbatore, to consider the petitioner's review petition dated 17 July 2015 preferred against the order dated 08 July 2015 passed by the third respondent, viz., the Sub Collector, Pollachi, within a time frame.

3 According to the petitioner, who is an octogenarian, while he is the owner of the house at Natham Survey No.1780/2, Angalakurichi Road, Kottur Malayandipattinam, Pollachi Taluk, Coimbatore District, the fifth respondent owns the house in Natham S.No.1780/3 and some third parties are the owners of houses in Natham S.Nos.1759/8 and 1759/10. In between the survey numbers, wherein, the petitioner and the fifth respondent, on the one hand and the third parties, on the other hand, have their houses, there is a Natham poramboke land in S.No.1759/11, which is being used as a common pathway by the petitioner and the fifth respondent. While so, the fifth respondent has encroached upon the said common pathway, thereby, preventing ingress and egress to the petitioner's house. Hence, seeking removal of the said alleged encroachment made by the fifth respondent, the petitioner made a petition to the Tahsildar, on 08 January 2015, who held that the encroachment allegedly made by the fifth respondent could not be removed, inasmuch as he has got documents to prove his possession. Thereagainst, the petitioner filed an appeal petition dated 04 April 2015 before the Appellate Committee at the Divisional level, viz., the Sub Collector, Pollachi, who had concurred with the Tahsildar. Challenging the order passed by the Appellate Committee at the Divisional Level, the petitioner preferred a review petition dated 17 July 2015 before the District Level Review Committee, viz., the District Revenue Officer, Coimbatore. Since no orders have been passed in the said review petition, the instant petition, seeking the aforestated relief.

4 The learned counsel for the petitioner submits that

under G.O. (Ms.) No.540, Revenue Department dated 04 December 2014, the petitioner is entitled to prefer a review petition before the District Level Review Committee, viz., the second respondent, against the order passed by the Appellate Committee at the Divisional level, viz., the third respondent, in the event, he is not satisfied with the decision of the latter Committee. It is further submitted that the District Level Review Committee is further obliged to take a decision within 30 days from the date of filing of the review petition. Accordingly, challenging the order dated 08 July 2015 passed by the third respondent, the petitioner preferred a review petition dated 17 July 2015 before the second respondent. But, till date, no decision has been taken, contrary to the statutory period fixed in the aforesaid Government Order. Thus, the instant writ petition for a direction to the District Level Review Committee to consider the review petition and take a decision, at the earliest.

5 The learned Special Government Pleader appearing for the official respondents submits that the petitioner's review petition will be taken up for consideration and appropriate decision will be taken on merits and in accordance with law, after affording an opportunity of hearing to the fifth respondent, within a period of four weeks from the date of receipt of a copy of this order.

6 In view of the above submission of the learned Special Government Pleader, it is ordered accordingly.

The writ petition stands disposed of with the above observation. Costs made easy.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

cad

To

1 The District Collector of Coimbatore
Collectorate
Coimbatore 641 018

2 The District Revenue Officer
Collectorate
Coimbatore 641 018

WEB COPY

3 The Sub Collector of Pollachi
Office of the Sub Collector
Pollachi 642 001

4 The Tahsildar of Pollachi
Taluk Office
Pollachi 642 001

1 cc to Mr.V.Nicholas, Advocate, sr.26259
1 cc to Government Pleader, sr.26833

W.P. No.15784 of 2016

ak co
kra 30.05.2016



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