

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21796 of 2016

And

W.M.P.Nos.18640 and 18641 of 2016

V.Murugan

... Petitioner

Vs.

1 The Tahsildar
Vandavasi Taluk, Vandavasi,
Thiruvannamalai District.

2 Mumalabee

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.A2/10442/2015, dated 15.03.2016 and quash the same.

For Petitioner : Mrs.R.Hemalatha

Assisted by

Mr.C.Prakasam

For Respondents : Mr.R.A.S.Senthilvel for R1

Additional Government Pleader

सत्यमेव जयते

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he had purchased housesite admeasuring 994 ½ sq.ft. in Old T.S.No.448/4, (Town S.No.28, Block No.5, Ward No.B), Annasamy Mudali Street, Vandavasi, Tiruvannamalai District through registered sale deed dated 20.03.2008 from one Mumalabee wife of Abdul Rahman. The petitioner after purchase, has put up a superstructure and it is also assessed to statutory levies. According to the petitioner,

it is a natham land and therefore, the first respondent is not having any right whatsoever to interfere in his possession.

3.The grievance now expressed by the petitioner is that, the Tahsildar has conducted enquiry in terms of the order dated 15.03.2016 made in W.P.No.38098 of 2015 and passed the impugned order dated 15.03.2016 holding that the petitioner while purchasing the land has wrongly mentioned the survey number and it is a street poromboke and therefore, steps will be taken to vacate him in accordance with law and challenging the legality of the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that before passing the impugned order, the petitioner has not been given any reasonable opportunity to put forth his submission and prays for interference.

5.Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the first respondent would submit that before passing the impugned order, in the presence of the petitioner and the counter party, the land in question was inspected and after affording reasonable opportunity only, the impugned order came to be passed and would further submit that there is an effective alternative remedy available to the petitioner in the form of Appeal before the jurisdictional District Revenue Officer and therefore, the petitioner may avail such remedy.

6.This Court has considered the rival submissions and also perused the materials placed on record.

7.In the light of the fact that there is an effective alternative remedy available to the petitioner, this Court is of the view that the writ petition is not maintainable for the present. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

8.The petitioner is at liberty to file an Appeal before the District Revenue Officer, Thiruvannamalai, within a period of two weeks from the date of receipt of a copy of this order and the said Official shall entertain the said Appeal, if the papers are otherwise in order and give a disposal to the same, in accordance with law, within a further period of ten weeks thereafter and till then, shall not dispossess the petitioner. It is also made clear that till the disposal of the Appeal by the District Revenue Officer, Thiruvannamalai, the petitioner

shall not create any third party right in respect of the property in question.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

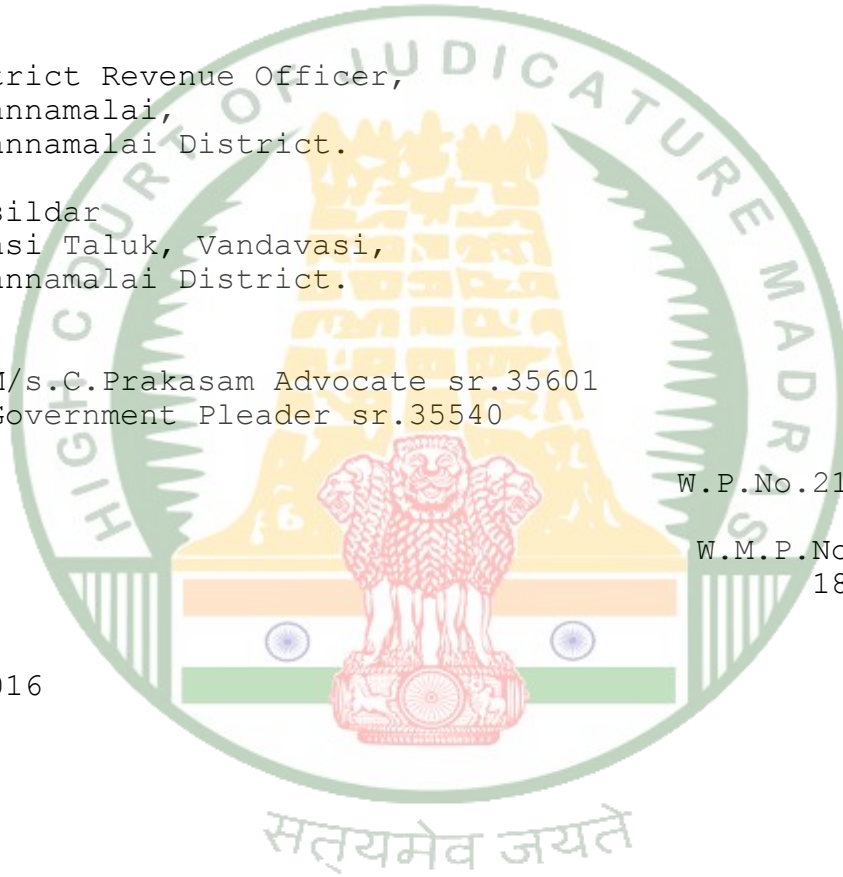
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To

- 1.The District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.
- 2.The Tahsildar
Vandavasi Taluk, Vandavasi,
Thiruvannamalai District.

+1 cc to M/s.C.Prakasam Advocate sr.35601
+1 cc to Government Pleader sr.35540

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