

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.32242 of 2016

M.Gurulakshmanan

... Petitioner

Vs.

1. The Secretary to Government
Revenue Department
Secretariat, Chennai - 9.
2. The Commissioner
Land Survey and Settlement
Chepauk, Chennai - 5.
3. The Settlement Officer
Office of the Commissioner
Land Survey and Settlement
Chepauk, Chennai - 5.
4. The District Collector
Erode District, Erode.
5. The Special Thasildar
Natham Survey and Settlement
Erode Town, Erode.
6. The Assistant Property Manager
C.S.I. Coimbatore
Diocese Council
CSI Brough Memorial Church
Brough Road, Erode - 638 001.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1, 4 and 5 to take possession of the land to an extent of 12.66 Acres comprised in Old Survey No.586 and 587 and now Ward-E, Block-2, Town Survey No.28/2 and Block-3, T.S.Nos.1 and 2 respectively situated at Erode Town and Erode District, on the basis of

proceedings passed by the fifth respondent in Na.Ka.No.0041/2012 dated 10.7.2012 and also by considering petitioner's representation dated 11.2.2016.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader
for respondents 1 to 5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The grievance of the petitioner is that the issue of revenue entry in respect of land measuring about 12 Acres was settled by the order of the fifth respondent/Special Thasildar, vide order dated 10.7.2012, but despite that the illegal occupation of the sixth respondent has not been removed.

2. The learned Special Government Pleader states that he has received telephonic instructions that the sixth respondent filed a writ petition before this Court assailing the order dated 10.7.2012, which was dismissed with liberty to approach the appellate authority, whereafter an appeal has been filed by the sixth respondent. It is stated that the appeal was listed last on 24.8.2016 and has not been disposed of as yet. The aforesaid thus shows that the claim of the sixth respondent is still under consideration before the appellate authority.

3. In any case, we are of the view that these are matters relating to revenue record entries and should be dealt with by the competent courts rather than the third party coming to this Court in the form of public interest litigation.

The petition is, accordingly, dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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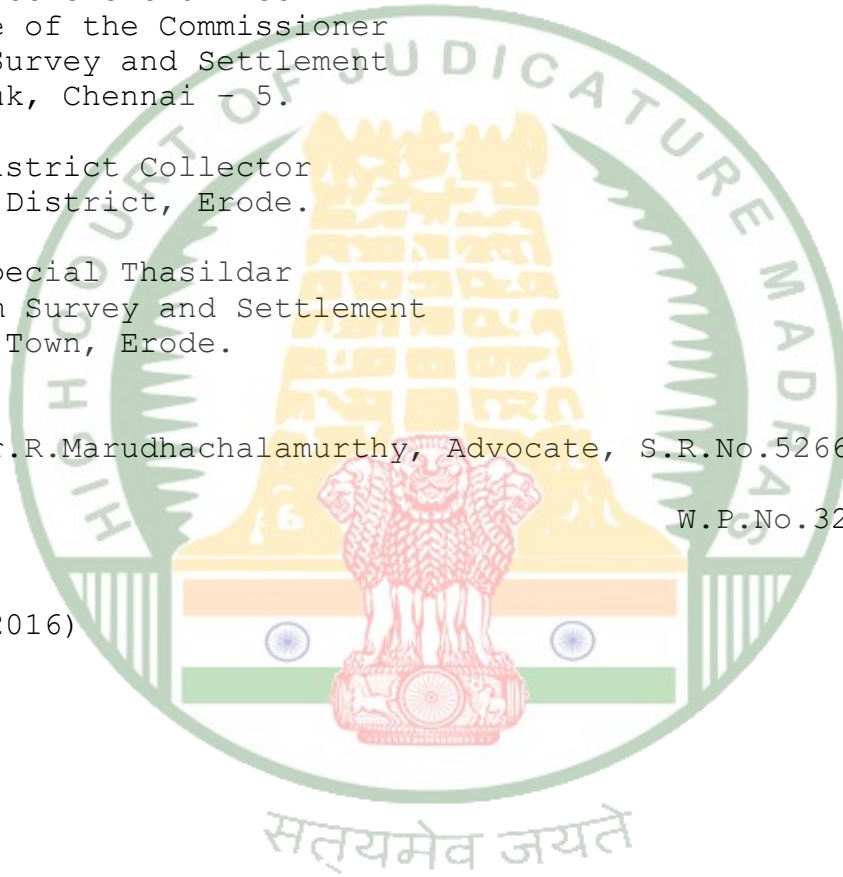
To:

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5. The Special Thasildar
Natham Survey and Settlement
Erode Town, Erode.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.52669

W.P.No.32242 of 2016

SSK(CO)
CA(20/09/2016)



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