



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 26.04.2016

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P (MD) No.17317 of 2015
M.P (MD) Nos.2 & 3 of 2015
& WMP (MD) No. 525 of 2016

1. Nagamani
2. S.Paraniselvi
3. Thayammal
4. Jayalakshmi
5. Arasammal
6. Rajammal

.. Petitioners

Versus

- 1.The District Collector,
Madurai District.
- 2.The District Revenue Officer,
Madurai District.
- 3.The Revenue Divisional Officer,
Madurai.
- 4.The Tahsildar,
Madurai South Taluk,
Madurai

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent in his impugned proceedings in Na.Ka.No.14752/2007/C dated 03.08.2015 and quash the same as illegal and consequently forbearing the respondents from in any manner interfering with the peaceful possession and enjoyment of the petitioner's Plot Nos.10,13,14,15,16 and 47 comprised in Old Survey No.994/1A, Ward No.5, Block No.33, T.S.No.116, Arappalayam Main Road, Madurai-625 016.

For Petitioners : Mr.V.Thirumal

For Respondents : Mr. J. Gunaseelan Muthiah
Government Advocate

**ORDER**

The petitioner has filed this Writ Petition challenging the proceedings dated 03.08.2015 of the third respondent and after quashing the same seek for a consequential order forbearing the respondents from in any manner interfering with their peaceful possession and enjoyment of the property bearing Plot Nos.10,13,14,15,16 and 47 comprised in Old Survey No.994/1A, Ward No.5, Block No.33, T.S.No.116, Arappalayam Main Road, Madurai-625 016.

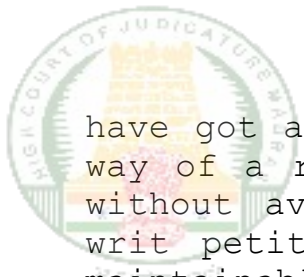
2. The learned Counsel appearing for the petitioners submitted that the petitioners are residing in Plot Nos. 10, 13, 14, 15, ,16 and 47 respectively which were allotted to them by the fourth respondent by his proceedings dated 20.07.2010. According to the petitioners, by the said proceedings dated 20.07.2010, the fourth respondent has totally allotted 42 plots in favour of the beneficiaries, including the petitioners. Subsequently, the petitioners were also issued patta to fortify their title. While so, on the basis of some complaints received by the respondents with regard to allotment of plots, the fourth respondent has submitted a report to the second respondent and based on the same, the third respondent has cancelled the patta issued to the petitioners and others in his proceedings dated 28.09.2011 without any notice to the petitioners. Challenging the same, one of the allottees has filed WP No. 12699 of 2011 before this Court and by order dated 03.04.2012, this Court set aside the order dated 28.09.2011 of the third respondent. In spite of the same, the third respondent passed the impugned proceedings dated 03.08.2015 refusing to demarcate the lands allotted in their favour..

3. The main grievance of the petitioners is that even though plots have been allotted in their favour, in spite of their request, the plots have not been properly demarcated and there is enormous delay on the part of the department in doing so. Therefore, the impugned order has to be set aside.

4. The learned Government Advocate appearing for the respondents relied on the counter affidavit filed by the third respondent and opposed the writ petition. According to the learned Government Advocate, as against the impugned order, an appeal lies before the District Revenue Officer and without exhausting such remedy, the petitioners have come up with this writ petition. Further, the impugned order has been passed after conducting a detailed enquiry with reference to the encroachment of the government lands made by some of the beneficiaries of the patta. Therefore, the impugned order does not call for any interference by this Court..

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have got a right of appeal before the District Revenue Officer by way of a revision. For the reasons best known, the petitioners, without availing such revisional remedy, have come up with this writ petition. Therefore, I hold that the writ petition is not maintainable.

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7. In the result, writ petition is dismissed. No costs. Consequently, the connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

gsr/rsh

To

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Revenue Divisional Officer,
Madurai.

4.The Tahsildar,
Madurai South Taluk,
Madurai.

+1CC to Spl.Government Pleader Sr.No.24674

+1CC to Mr.V.Thirumal, Advocate Sr.No.23920

GJM/ARK/PV/28.6.16-4p-7c

WP (MD) No. 17317 of 2015
26.04.2016