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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 17.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN  
and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Rev.Aplw(MD)No.41 of 2016

in

W.P.(MD)No.9646 of 2014

(Through Video Conferencing)

D.Parthipan

... Review Petitioner

Vs.

1. The Commissioner for Land Survey  
and Settlement,  
Ezhilagam, Chepauk,  
Chennai - 600 005.

2. The District Revenue Officer,  
Sivagangai District.

3. The Revenue Divisional Officer,  
Devakottai,  
Sivagangai District.

4. The Tahsildar,  
Thiruppathur,  
Sivagangai District.

5.Subbiah @ Subramanian

6.L.Nehru

7.L.Murugappan

8.P.L.Padikasu

9.P.L.Periyasamy

10.P.L.Ramasamy

11.S.Durai @ P.S.P.Durai

12.D.Surendran

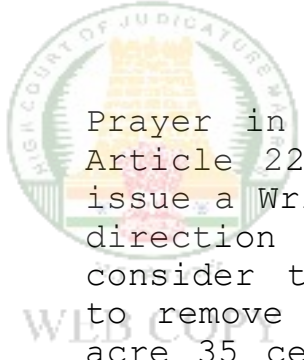
13.D.Karthikeyan

14.KR.A.Gandhi

... Respondents

[Respondents 5 to 14 are impleaded vide order dated 17.06.2019  
passed by this Court in W.M.P.(MD)No.17611 of 2017]

Prayer: Review Application filed under Article 226 of the  
Constitution of India, read with Section 114 of the Code of Civil  
Procedure to review the order dated 31.08.2015, passed by this  
Court in W.P.(MD)No.9646 of 2014.



Prayer in WP(MD)No.9646 of 2014 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ to direct 1st Respondent to consider the petitioner's representation dated 28.8.2012 seeking to remove the encroachment made in S.No.251/1 to an extent of 9 acre 35 cents, Thalakkavur Village, Illangudi Group, Thiruppathur Tk, Sivagangai District classified as Kaalvai Poramboke and restore the same as kaalvai in conformity with the order dated 02.12.2010 passed by this Honble Court In W.P. (MD) No. 10224 of 2008 within the period that may be stipulated by this Honble Court.

For Review Petitioner : Mr.R.Govindarajan

For Respondents : Mr.A.K.Baskarapandian  
Special Government Pleader  
for Respondents 1 to 4

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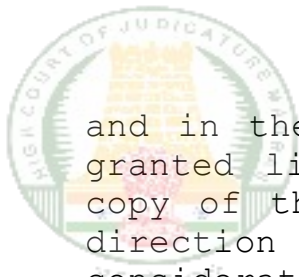
### O R D E R

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The writ petitioner is the review petitioner and praying for the review of the order dated 31.08.2015, made in W.P.(MD) No.9646 of 2014, he has filed the present review petition.

2. The writ petition was filed praying for consideration of the petitioner's representation dated 28.08.2012, seeking removal of encroachment made in S.No.251/1, admeasuring to an extent of 9 acre 35 cents at Thalakkavur Village, Ilangudi Kaalvai Poramboke, Sivagangai District, which is classified as "Kaalvai Poramboke" (Water Course Poramboke) and restore the same as Kaalvai (Water Course) in conformity with the order dated 02.12.2010, passed in W.P.(MD)No.10224 of 2008. In the said writ petition, an order was passed by directing the petitioner to approach the fourth respondent, namely, the Tahsildar, Thiruppathur, Sivagangai District, for redressal of his grievance, as per G.O.Ms.No.540, Revenue [LD6(2)] Department, dated 04.12.2014.

3. Mr.R.Govindarajan, learned Counsel for the review petitioner has drawn the attention of this Court to the letter of the District Revenue Officer, Sivagangai District, dated 24.01.2013, in Na.Ka.C3/55387/2005, addressed to the Principal Secretary and Commissioner, Land Administration, Chennai - 600 003 and would submit that in the light of the said letter, the proceedings of the Commissioner of Land Survey and Land Reforms, dated 07.02.2011, was ordered to be cancelled with a further <https://hcservicescourtsm.in/hcservices> to reclassify the said land admeasuring to an extent of 3.79.5 Hectare in S.No.251/1, at Thalakkavur Village, Ilangudi Kaalvai Poramboke, Sivagangai District as "சர்க்கார் புறம்போக்கு கால்வாய்"



and in the light of the said proceedings, the petitioner may be granted liberty to submit a fresh representation by enclosing a copy of the said letter to the first respondent, with a further direction directing the first respondent to take into consideration the said letter and pass appropriate orders.

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4. We have heard the submissions of Mr.R.Govindarajan, learned Counsel appearing for the review petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the official respondents.

5. In the light of the submissions made, coupled with the facts and circumstances of the case, this Court grants liberty to the petitioner to submit a representation as to his grievance by enclosing a copy of the above cited letter of the District Revenue Officer, Sivagangai, dated 24.01.2013, addressed to the first respondent, to the first respondent within a period of four weeks from the date of receipt of a copy of this order. The first respondent, on receipt of the same, shall take appropriate steps as to the restoration of the said classification. It is also brought to the knowledge of this Court, by virtue of the wrong classification, pattas have also been issued and therefore, the respondents 5 to 14 as well as the persons, who have been issued with pattas, have also to be put on notice and after eliciting their response, the first respondent shall pass appropriate orders in accordance with law, within a further period of twelve weeks thereafter and communicate the decision taken to the review petitioner, respondents 5 to 14 as well as the other persons concerned.

6. In the result, the review application stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

gk/dsk

To

1. The Commissioner for Land Survey  
and Settlement,  
Ezhilagam, Chepauk,  
Chennai - 600 005.

<https://hcservices.hcjd.org.in/Services/Download.aspx?Service=Download>  
2. The District Revenue Officer,  
Sivagangai District.



3. The Revenue Divisional Officer,  
Devakottai,  
Sivagangai District.

4. The Tahsildar,  
Thiruppathur,  
Sivagangai District.

Copy to:-

The Principal Secretary and Commissioner,  
Land Administration Department,  
Chepak, Chennai-600 005.

+ 1 CC to Mr.R.Govindarajan, Advocate in SR.No.69647  
+ 1 CC to The Special Government Pleader SR.No.69454

**Rev.Aplw(MD)No.41 of 2016**  
**(THROUGH VIDEO CONFERENCING)**

17.06.2019

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