



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.07.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.12217 of 2016

and

W.M.P(MD)No.9312 of 2016

N.Muruganantham

..Petitioner

Vs

1.The District Collector,
Theni District.

2.The Divisional Engineer,
Highways, Construction and Maintenance,
Theni District.

3.The Town Planning Officer,
Theni Municipality, Theni District.

4.The Tahsildar,
Theni,
Theni District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to forbear the Respondents from issuing patta to any third party to the land in Survey No.189, after sub-division T.S.No.1/15, situated at Allinagaram Village, Theni by considering the representation of the Petitioner, dated 21.06.2016.

For Petitioner :M/s.J.Anand Kumar
For Respondents :Mr.S.Kumar
Addl.Govt.Pleader

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.No counter is filed on behalf of the Respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

4.According to the Petitioner, in-front of his property

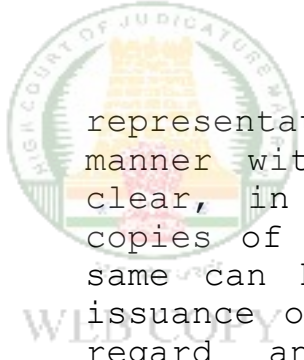


bearing Survey No.189(later sub-divided into T.S.No.1/15) measuring an extent of 10 cents, which he purchased by means of registered sale deed, dated 10.07.2002. There is a Bye-pass Road connecting Theni with other Districts and the said Bye-pass Road is still in existence and the public are using the same. Further, in order to put up construction in the vacant land, he approached the Third Respondent/The Town Planning Officer, Theni Municipality, Theni District and the Third Respondent while considering his plan approval stated that there is a land in-front of his property and the same is a patta land belonging to some third party. In fact, the said allegation is baseless and against the fact in existence. Also that, the land in-front of his property is a Bye-pass Road and according to the Petitioner, it was at no point of time belong to any individual. On an erroneous consideration, the Third Respondent has kept his application pending.

5.The grievance of the Petitioner is that he came to know that the detailed development plan formed by the Respondents in respect of Bye-pass Road and other lands in Development Map Nos.3 and 4 were set aside by this Court in W.P.No.15119 of 2012 etc. As on today, in reality, there is no such land available and the Fourth Respondent/The Tahsildar, Theni, Theni District is endeavouring to issue patta. The act of the Respondents in issuing patta to a land, which is not in existence or even in any revenue records, is totally illegal and amounts to depriving the Petitioner's valuable property.

6.Apart from that, it is the plea of the Petitioner that if the acts of the Respondents are permitted, then he would lose his ingress and egress to his property and as on date, there is no land in existence in-front of his property. It appears that the Petitioner gave a detailed representation, dated 21.06.2016 to the Respondents and till date, the same is pending on the file of the Respondents.

7.Considering the fact that the Petitioner's representation, dated 21.06.2016 is pending before the Respondents without any progress till date, this Court, at this stage, without going into the merits and contents of the representation of the Petitioner, dated 21.06.2016, simpliciter, in the interest of justice, directs the Fourth Respondent/The Tahsildar, Theni, Theni District to look into the representation of the Petitioner, dated 21.06.2016 within a period of one week from the date of receipt of a copy of this order. Thereafter, the Fourth Respondent is to pass a detailed speaking order on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks thereafter. The Petitioner is required to lend his assistance and co-operation to the Fourth Respondent, so as to enable him to dispose of his



representation, dated 21.06.2016 in a complete and comprehensive manner within the time adumbrated by this Court. It is made clear, in case, the Fourth Respondent requires the certified copies of documents or relevant records from the Petitioner, the same can be obtained by him from the Petitioner by means of issuance of memo or any proceedings to the Petitioner in this regard and on such receipt of memo or any proceedings from the Fourth Respondent, it is incumbent on the part of the Petitioner to comply with the same, so as to enable the Fourth Respondent, to do the needful in the subject-matter in issue within the time specified by this Court.

8. With the aforesaid observations and directions, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Theni District.
 2. The Divisional Engineer,
Highways, Construction and Maintenance, Theni District.
 3. The Town Planning Officer, Theni Municipality, Theni District.
 4. The Tahsildar, Theni, Theni District.
- +1 cc to M/s.J.Anandkumar, Advocate in SR.No.36057

vsn
CSL/DB/21.07.2016 : 3p/6c

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