



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.19750 of 2016

A.Jegathesan

... Petitioner

-vs-1. The District Revenue Officer,
Theni District.2. The Commissioner,
Periyakulam Panchayat Union,
Vadukapatti,
Periyakulam Taluk,
Theni District.3. The President,
Vadaputhupatti Panchayat,
Vadaputhupatti,
Periyakulam Taluk,
Theni District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus direct the respondents not to permit the layout approval and building construction approval in S.No.1673/1, 1673/2, 1673/3 and 1673/4 which are situated in Vadaveeranayakanpatti Village, Periakulam Taluk, Theni District.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.V.R.Shanmuganathan

Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondents not to permit the layout approval and building construction approval in S.Nos.1673/1, 1673/2, 1673/3 and 1673/4, which are situated in Vadaveeranayakanpatti Village, Periakulam Taluk, Theni District.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.



3. The case of the petitioner is that he has purchased 2 acres 2½ cents of land by way of two sale deeds in Vadaveeranayakanpatti Village and since then he is in possession and enjoyment of the same. During UDR scheme, Survey No.1673 has been sub divided as 1673/1, 1673/2, 1673/3, 1673/4 and a portion of the land i.e., Survey Nos.1673/1 and 1673/3, which belonged to the petitioner, had been wrongly included along with some other survey numbers and thereby, it led to decrease in the extent of property. Seeking correction in the UDR measurement, the petitioner has preferred a representation before the Tahsildar, Periyakulam as well as to the first respondent. As they were not considered, the petitioner has filed WP(MD)No.7615 of 2016 before this Court and the same was dismissed as not maintainable. However, the Tahsildar, Periyakulam has passed an order against the representation made by the petitioner. Thereafter, an appeal has been preferred before the first respondent and the same is pending.

4. The remedy open to the petitioner is to have the appeal to be disposed of by the District Revenue Officer at the earliest point of time. Instead, the petitioner has sought for a direction to the respondents not to permit the layout approval and building construction approval in the Survey Numbers mentioned supra.

5. Considering the circumstances, under which the petitioner is placed, the first respondent is directed to dispose of the appeal preferred by the petitioner within a period of six weeks from the date of receipt of a copy of this order.

6. The Writ petition is disposed of with the above direction. No cost. Consequently, connected WMP(MD)No.14240 of 2016 is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The District Revenue Officer,
Theni District.

+ 1 CC TO Mr.GOMATHI SANKAR, ADVOCATE IN SR No. 60921
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 61129

MJ
TE/GSV-PM : 17/11/2016 : 2P/4C

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