



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.07.2017
CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)No.13288 of 2017

and

WMP(MD)Nos.10354 to 10356 of 2017

R.Manikandan

: Petitioner

-vs-

1.The Commissioner of Land Administration,
Chepauk,
Chennai.

2.The District Collector,
Theni District,
Theni.

3.The Tashildar,
Land Survey and Settlement,
Uthamapalayam,
Theni District.

4.The District Revenue Officer,
Theni District.

[R4 is impleaded as per the order
made in WMP(MD)No.10814 of 2017,
dated 26.07.2017

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the old survey carry out in respect of old survey No.59 in Malingapuram, Aanaimalayanpatti, Uthamapalayam, Theni District and quash the same and consequently, forbear the respondents from carrying out in proceedings for dispossession in old survey No.59/1 and new survey No.429/1.

For Petitioner

: Mr.M.Vallinayagam
Senior counsel
for Mr.D.Nallathambi

For Respondents

: Mr.C.Selvaraj
Special Government Pleader

**ORDER**

The writ petition has been filed to call for the records relating to classification of old survey No.59 in Malingapuram, Aanaimalayanpatti, Uthamapalayam, Theni District, quash the same and consequently, forbear the respondents from carrying out in the proceedings for dispossession in old survey No.59/1 and new survey No.429/1.

2.The case of the petitioner is that the old survey No.59 in Aanaimalaiyanpatti village was subsequently renumbered as survey Nos.429/1, 2, 3 & 4 and 59/1. It is the further case of the petitioner that he had constructed a house in survey No.429/1 and he has been residing there for the past 38 years. However, during resurvey, the entire land in survey No.429/1 has been classified as 'street' and based on the entry, now an attempt is made to remove the occupants in survey No.429/1. Hence, the present writ petition.

3.Mr.M.Vallinayagam, learned Senior counsel appearing for the petitioner would submit that though the petitioner has filed the writ petition to set aside the entries made in the resurvey, however, it would suffice if a direction is given to the District Revenue Officer, Theni District, to consider the grievance of the petitioner and pass suitable orders.

4.Heard Mr.C.Selvaraj, learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.

5.In view of the submissions made by the learned Senior counsel appearing for the petitioner, without going into the merits of the case, this writ petition is disposed of with a direction to the petitioner to give a fresh representation to the 4th respondent/The District Revenue Officer, Theni District, enclosing the copy of the order, within a period of two weeks from the date of receipt of the order copy and on such compliance, the 4th respondent shall consider the same and pass appropriate orders, purely on merits and in accordance with law, after affording opportunity of hearing to the petitioner and the necessary parties, if any, as expeditiously as possible, preferably within a period of six weeks therefrom. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True copy/



To

1.The Commissioner of Land Administration,
Chepauk, Chennai.

2.The District Collector,
Theni District,
Theni.

3.The Tashildar,
Land Survey and Settlement,
Uthamapalayam,
Theni District.

4.The District Revenue Officer,
Theni District.

+1cc to Mr.D.Nallathambi,Advocate,SR.68839

W.P. (MD) No.13288 of 2017
26.07.2017

ER

KK/SV MMS /SAR 4/29.08.2017/ 3P- 6C