



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.18181 of 2017

and

W.M.P (MD) .No14632 of 2017

M.Dhanammal

... Petitioner

Vs.

1. The District Collector,
O/o.District Collectorate,
Nagerkoil, Kanyakumari District.

2. The District Revenue Officer,
O/o.District Collectorate,
Nagerkoil, Kanyakumari District.

3. The Tahsildar,
Thovalai Taluk, Boothapandi,
Kanyakumari District.

... Respondents

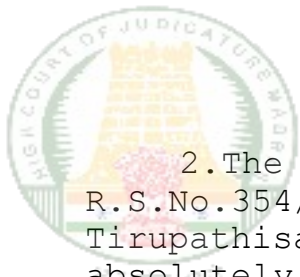
PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the respondents 1 & 2 under thier proceedings bearing No.M2/18607/2017 dated 02.06.2017 and quash the same ultra virus, illegal, not valid in law and consequently directing the respondents to consider the petitioner's representation dated January 2017 for reclassification of her lands as PUNJA lands comprised in S.No.354/2, 354/7 situated at Tirupathisaram Village, Thovalai Taluk, Kanyakumari District, within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.G.Muthukannan
Government Advocate

O R D E R

The present writ petition has been filed challenging the order of the second respondent dated 02.06.2017 in No.M2/18607/2017 and for further direction to the respondents to consider the petitioner's representation dated January 2017.



2.The case of the petitioner is that the land comprised in R.S.No.354/2 measuring to an extent of 0.27.50 Hectares situated at Tirupathisaram Village, Thovalai Taluk, Kanyakumari District is absolutely belonging to the petitioner by virtue of registered sale deeds dated 05.04.1984 and 10.12.1987. Since then, she has been in possession and enjoyment of the same.

3.The petitioner would further state that after purchasing the building plan permission, she started to put up a construction in her land. At that time, the respondents passed an order stating that the land is now classified as Nanja land. Therefore, the petitioner gave an application in the month of January 2017 to reclassify the land as Punja, but it was rejected mainly on the ground that there are irrigation channels in S.No.354/2 and 354/7 and the petitioner also encroached the irrigation channel.

4.Mr.M.Ponniah, learned counsel appearing for the petitioner would submit that after submitting the representation in the month of January 2017, the petitioner approached the respondents and gave an undertaking that she would maintain the channels intact and he would not encroach the water channel, but the second respondent, without providing any opportunity and considering the case of the petitioner, passed the impugned order. The learned counsel further submits that if an opportunity is given to the petitioner, she would place all the materials before the respondents.

5.Mr.G.Muthukannan, learned Government Advocate would submit that at the time of passing the order, the second respondent has considered the entire materials and if there is further materials, they are ready to consider the same.

6.Taking into consideration the submissions of the learned counsels and the facts that the order was passed in violation of principles of natural justice, the impugned order is set aside and the matter is remitted back. The first respondent shall pass orders afresh after providing opportunity to the petitioner in accordance with law.

7.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To:

1. The District Collector,
O/o.District Collectorate,
Nagerkoil, Kanyakumari District.

2. The District Revenue Officer,
O/o.District Collectorate,
Nagerkoil, Kanyakumari District.

3. The Tahsildar,
Thovalai Taluk, Boothapandi,
Kanyakumari District.

+ 1 CC TO Mr.M.PONNIAH, ADVOCATE IN SR No. 80538

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81083

SKN

TE/KP/SAR-II : 25/10/2017 : 3P/6C

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W.M.P (MD) .No14632 of 2017
22.09.2017