



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

W.P.(MD)No.18364 of 2017

and

W.M.P.(MD)No.14809 of 2017

K.Vijayakumar

...Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk Office,
Paramakudi,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the respondents 2 and 3 herein from creating pathway on petitioner's assignment Patta land with regard to S.No.355/16 extent of 0.0063 sf situated Melaparthibanoor, Paramakudi Taluk, Ramanathapuram District and further directing the respondents 2 and 3 not to disturb the petitioner's construction work in anyway.

For Petitioner : Mr.G.Gomathi Sankar
For Respondents : Mr.M.Alagadevan,
Special Government Pleader.

ORDER

This Writ Petition seeks to issuance of a Writ of Mandamus, to forbear the respondents 2 and 3 herein from creating pathway on the petitioner's assignment Patta land in S.No.355/16, situated at Melaparthibanoor, Paramakudi Taluk, Ramanathapuram District and further direct the respondents 2 and 3 not to disturb the petitioner's construction work in anyway.

2.Mr.G.Gomathi Sankar, learned counsel for the petitioner would submit that the land to an extent of 0.0063 sq metre in SF.No.355/16 was assigned in favour of the petitioner's grand father and the petitioner's grand father was in possession and enjoyment of the property. After his demise, the petitioner's father had put up



a small hut and he was in possession and enjoyment of the same.

3. It is further stated that the petitioner's father was issued a patta in the year 2012 and he enjoyed the same till his life time and thereafter, the petitioner has been in possession and enjoyment of the same. The learned counsel for the petitioner further submitted that due to the pressure given by his adjacent land owners, the 2nd respondent is insisting the petitioner to give a portion of the land to form a pathway. Since it was refused, the respondents are disturbing the construction now being put up by the petitioner. Hence, the present petition has been filed.

4. Mr.M.Alagadevan, learned Special Government Pleader appearing for the respondents would submit that there is no proof for submitting the representation by the petitioner, dated 22.09.2017 and if a representation is given by the petitioner afresh, it would be considered by the 2nd respondent.

5. In the light of the above submission, this Court directs the petitioner to give a fresh representation to the 2nd respondent, by enclosing the copy of this order within a period of two weeks. On such compliance, the 2nd respondent is directed to consider the same and pass appropriate orders on its own merits and in accordance with law, after providing an opportunity to all the necessary parties. Till such exercise is completed, the respondent shall not take any steps to form a road in the land of the petitioner.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
3. The Tahsildar,
Paramakudi Taluk Office,
Paramakudi, Ramanathapuram District.

+1cc to Mr.G.GOMATHI SANKAR Advocate in SR. No. 81239

VS/DSS

JS/SV.MMS/SAR.1/4.10.2017/2P-5C

W.P. (MD) No.18364 of 2017