



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.20632 of 2017

and

W.M.P(MD)No.16898 of 2017

Tamilnadu State Transport
Corporation(Tirunelveli) Ltd.,
Tirunelveli,
Represented by its Managing Director,
K.Moni,
No.19, Trivandrum Road,
Vannarpet Post,
Tirunelveli - 627 003.

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

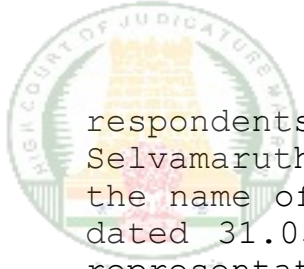
3.The Sub-Collector cum Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

4.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

5.The Chief Executive Officer,
Tamilnadu Wakf Board,
No.Jaffer Syrang Street,
Vallal Seethakathi Nagar,
(Behind Custom House, Parrys),
Chennai - 600 001.

6.The President,
Mohideen Kadar Andavar Jumma Pallivasal,
Selvamaruthur,
Thisayanvilai, Tirunelveli District.

.. Respondents



respondents 1 to 4 to assign the land in Survey No.240/1, of Selvammaruthur, Thisayanvilai Village to an extent of 1.25 acres in the name of the petitioner based on the petitioner's representations dated 31.05.2002, 02.09.2011, 20.03.2017, 07.09.2017 and the final representation dated 13.10.2017 within the period stipulated by this Court.

For Petitioner : Mr.V.Sasitharan
 For R1 to R4 : Mr.M.Alagathevan,
 Special Government Pleader
 For R5 : Mr.K.K.Senthil

ORDER

By consent, this writ petition is taken up for final disposal, at the stage of admission itself.

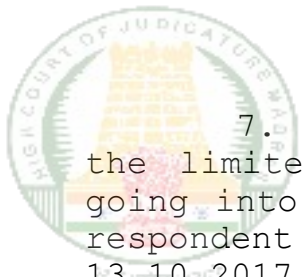
2. Mr.M.Alagathevan, learned Special Government Pleader takes notice for respondents 1 to 4 and Mr.K.K.Senthil, learned Counsel takes notice for the fifth respondent. Notice to the sixth respondent is dispensed with, as no adverse order is going to be passed against them.

3. According to the petitioner, a lease was entered into between them and the sixth respondent, with regard to the subject mentioned property and the petitioner had also paid the lease amount for five years. When the petitioner came to know that the said property is a Government Porambokku land, they stopped paying the lease amount. Aggrieved by the same, a suit was instituted by the sixth respondent, in their capacity as owner of the said land, against the petitioner and the suit was decreed in favour of the sixth respondent. Subsequent thereto, a Civil Revision Petition was also preferred, which did not yield any fruitful results to the petitioner. In the meanwhile, the petitioner has submitted several representations before the respondents 1 to 4, right from the year 2002 and finally on 13.10.2017, but all their representations are kept pending, without any action and hence, the petitioner is before this Court.

4. On the other hand, the learned Counsel for the fifth respondent, on instructions, submitted that the suit filed by them ended in their favour and they have also filed an execution petition. He further submitted that in order to drag on the execution proceedings, the petitioner is before this Court.

5. In reply to this stand, the learned Counsel for the petitioner submitted that they have preferred a claim petition, since both the fifth and sixth respondents are not the owners and the claim petition is said to be pending.

6. After some arguments, the learned Counsel for the petitioner submitted that it would suffice, if the representation of the petitioner dated 13.10.2017, is disposed of by the authorities, on merits.



7. Considering the facts and circumstances of the case and the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the first respondent to consider the representation of the petitioner dated 13.10.2017, on merits and on perusal of all the documentary evidences, pass appropriate orders, after affording due opportunity of hearing to the petitioner as well as the fifth and sixth respondents, within a period of six weeks from the date of receipt of a copy of this order, keeping in mind the aforesaid suit proceedings.

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

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Sub-Collector cum Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

4.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 86578

+1cc to Mr.K.K.SENTHIL Advocate in SR. No. 86686

+1cc to Mr.V.SASITHARAN Advocate in SR. No. 86027

GK

JS/SV.MMS/SAR.1/21.11.2017/3P-8C

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