

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2018
CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.21978 of 2013

A.Ayyasamy

.. Petitioner

Versus

1.The District Collector,
Coimbatore.

2.The Tahsildar,
North Coimbatore,
Coimbatore.

3.The Divisional Manager,
Divisional Officer,
Works Branch,
Southern Railway,
Salem.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 3rd respondent to forthwith remove the classification of lands as 'B' Class lands in their records pertaining to S.F.Nos.398/A 2, 399/A2 and 401/A2 in Thudiyalur Village of Coimbatore District and restrain them from interfering with the absolute possession of the petitioner situate in the above survey numbers in D.No.31, Captain Palanisamy Layout, Thadagam Raod, Coimbatore - 641 002.

For Petitioner : Mr.S.Mukunth
for M/s.Sarvabhauman Associates

For Respondents : Mr.N.Manikandan
Government Advocate, for R1 & R2
Mr.M.Vijayanand
Standing Counsel for R3

O R D E R

Heard Mr.S.Mukunth, learned counsel for the petitioner and Mr.N.Manikandan, learned Government Advocate for the respondents 1 and 2 and Mr.M.Vijayanand, learned counsel for the third respondent.

2.The case of the petitioner is that he is the owner of the land measuring to an extent of 6 cents and 25 sq.ft, in S.F.No.398/A2 and 401/A2 in Muthu Nagar layout, Thudiyalur Village, Coimbatore District, by virtue of sale deed dated 30.11.1963. It is further submitted that the third respondent has classified the lands as Railway 'B' Class lands, vide letter dated 14.7.1982.

3. According to the petitioner, the Railway can exercise the control over those lands only for a period of three years from the date of original occupation. The petitioner gave a representation dated 20.6.2013 to the third respondent and the said representation has not been considered so far. Hence, the present writ petition.

4. The learned counsel for the third respondent submitted that reclassification can be done only by the Revenue authorities and the third respondent has no role in that.

5. A perusal of the typed set of papers, would reveal that the lands were classified as 'B' Class land, by the third respondent.

6. In the light of the above submissions, the respondents are directed to consider the representation of the petitioner dated 20.6.2013 and pass appropriate orders on merits and in accordance with law, after providing an opportunity to all necessary parties, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1.The District Collector,
Coimbatore.

2.The Tahsildar,
North Coimbatore,
Coimbatore.

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3.The Divisional Manager,
Divisional Officer,
Works Branch,
Southern Railway, Salem.

+1cc to Mr.Vijay Anand, Advocate, S.R.No.18525

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.18378

+1cc to the Government Pleader, S.R.No.19259

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RRK(15/03/2018)



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