



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE: 30.01.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD).No.10301 of 2014

C.Vadivel

... Petitioner

-Vs-

1. The District Collector,
Tiruchirapalli District,
Tiruchirapalli.
2. The Revenue Divisional Officer,
Srirangam,
Tiruchirapalli.
3. The Revenue Divisional Officer,
Tiruchirapalli.
4. The Block Development Officer (Block),
Manikandam Panchayat Union,
Manikandam,
Trichy District.

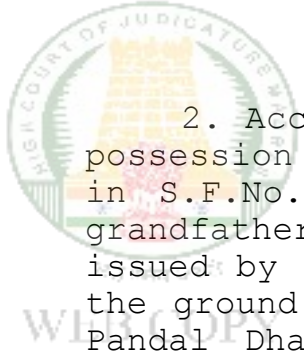
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to remove the board in Survey No.179/1 to 4 in Athavathur, Srirangam Taluk, Trichy District and to withdraw the communication of the fourth respondent dated 10.06.2013 in Na.Ka.A2/3146/02 addressed to the District Registrar, Tiruchirapalli pursuant to notice dated 05.05.2014 on behalf of the petitioner.

For Petitioner	:	Mr.V.Illanchezian
For R1 to R3	:	Mr.Aayiram K.Selvakumar Additional Government Pleader
For R4	:	Mr.S.Chandrasekar Government Advocate

O R D E R

The writ petition has been filed seeking for a direction to the fourth respondent, the Block Development Officer to remove the Board put up in Survey No.179/1 to 4 in Athavathur, Srirangam Taluk, Trichy District and also to withdraw the communication of the fourth respondent dated 10.06.2013, addressed to the District Registrar,



2. According to the petitioner, his grandfather was in absolute possession and enjoyment of a property to an extent of 19.85 acres in S.F.No.168/2 and a Patta was also issued to the petitioner's grandfather. Subsequently, a proceedings dated 22.07.2014, has been issued by the fourth respondent, the Block Development Officer, on the ground that the above properties are belonging to one "Thaneer Pandal Dharma Paripalanam Trust" managed by the Commissioner of Manikandam Panchayat and Patta has been wrongly issued in favour of the petitioner's predecessor. Now, according to the petitioner, the proceedings to cancel the above Patta at the instance of fourth respondent is pending before the District Revenue Officer, Tiruchirapalli, and so far no order has been passed in the application to cancel the Patta. By virtue of the Patta granted in favour of the petitioner's predecessor, they are the owner of the property. Pending the above application, the fourth respondent, Block Development Officer put up a board in front of the above said land stating that the land belongs to Thaneer Pandal Dharma Paripalanam Trust maintained by the fourth respondent and nobody should alienate the property. Subsequently, the fourth respondent sent a communication to the Sub Registrar, Tiruchirapalli, not to entertain any sale deed in respect of the above said land. Being aggrieved over the same, the present writ petition has been filed.

3. The learned counsel appearing for the fourth respondent would submit that the land belongs to the Trust and even though originally 11.29 acres have been assigned in favour of the petitioner's predecessor, now he is in possession and enjoyment of 19.85 acres. Apart from that, the property belongs to the Trust and the petitioner has no right to occupy the land and an application to cancel the Patta filed by the fourth respondent is pending before the District Revenue Officer, Tiruchirapalli. In the above circumstances, the board has been put up by the fourth respondent in order to safeguard the interest of the Trust.

4. I have considered the rival submissions. As on today, admittedly, the Patta has been granted in favour of the petitioner in respect of the entire extent of 19.85 acres and the proceedings to cancel the Patta is pending before the District Revenue Officer, Tiruchirapalli. So far no order has been passed by the authorities. In the above circumstances, the fourth respondent cannot claim any right over the property and he cannot put up any Board in front of the above said land claiming that the property belongs to the Trust. In such circumstances, the fourth respondent is directed to remove the Board put up in front of the land immediately. However, since the proceedings to cancel the Patta is pending for long time, the District Revenue Officer, Tiruchirappalli is directed to consider the above application and pass orders after giving an opportunity to the petitioner as well as the fourth respondent within a period of six weeks from the date of receipt of a copy of this order. So far as the direction issued by the fourth respondent to the Sub Registrar, Tiruchirapalli, the petitioner did not come forward to challenge that order. Hence, this Court is not inclined to pass any orders on



the above direction. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

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Sub Assistant Registrar

To

1. The District Collector,
Tiruchirapalli District,
Tiruchirapalli.
2. The Revenue Divisional Officer,
Srirangam,
Tiruchirapalli.
3. The Revenue Divisional Officer,
Tiruchirapalli.
4. The Block Development Officer (Block),
Manikandam Panchayat Union,
Manikandam,
Trichy District.

+1cc to Mr.V.ILLANCHEZIAN, Advocate, SR.44918

+1cc to Mr.S.CHANDRASEKAR, Advocate, SR.44860

W.P. (MD) No.10301 of 2014
30.01.2018

AKV

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