



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2018

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.13623 of 2018

WEB COPY

Manikandan

... Petitioner

-Vs-

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Thasildar,
Vilavancode Taluk,
Kanyakumari District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in M2/23272/2017-2 dated 02.04.2018 on the file of the 1st respondent herein and quash the same and consequently directing the 1st respondent to issue the Tharisu Nilam (Waste land) certificate in respect of S.F.Nos. 298/1B, 298/2A, 298/2B, 298/4, 302/12B2 in Idaicodu Village and R.Sy.Nos. 126/10B, 127/6A, 127/12, 14,16B, 130/13 in Devicode Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.V.Illanchezian

For Respondents : Mr.S.Nagarajan

Special Government Pleader

O R D E R

Mr.S.Nagarajan, learned Special Government Pleader takes notice on behalf of the respondents.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner has made an application to the respondents for conversion and re-classification of his wet land to dry land. The said request was rejected by way of the impugned order dated 02.04.2018 by the first respondent. Challenging the impugned order, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner would draw the attention of this Court in respect of the order of the Hon'ble Division Bench of this Court in W.P.(MD)No.8379 of 2017, dated 02.08.2017, wherein, Public Interest Litigation filed by a third party was dismissed.

<https://hcservices.ecourts.gov.in/hcservices/>

5. I have heard rival contentions.



6. On perusal of the impugned order, it is seen that the application for re-classification of the land belonging to the petitioner could not be processed, in view of the pendency of the litigation before the National Green Tribunal, South Zone. But, on the other hand, the order of the Hon'ble Division Bench of this Court, in respect of the very same petitioner's land shows that the subject matter pending before the National Green Tribunal, South Zone, does not involve the lands in survey numbers mentioned in the application belonging to the petitioner. When the lands, which were sought to be re-classified are not subject matters of the litigation pending before the National Green Tribunal, South Zone, the first respondent is duty bound to pass orders on merits.

7. Considering the facts and circumstances of the case, a direction is issued to the first respondent to verify the revenue records and also the application pending before the National Green Tribunal, South Zone, as to the dispute in respect of the survey Nos.298/1B, 298/2A, 298/2B, 298/4, 302/12B2 in Idaicodu Village and R.Sy.Nos. 126/10B, 127/6A, 127/12, 14,16B, 130/13 in Devicode Village, Vilavancode Taluk, Kanyakumari District and pass orders in the light of the findings given by the Hon'ble Division Bench of this Court, dated 02.08.2017 in W.P.(MD)No.8379 of 2017, within a period of three months from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Thasildar,
Vilavancode Taluk,
Kanyakumari District.

+1CC to Mr.V.Ilanchezian Advocate in SR.No.69935.

SM

DS/SV/SAR-4 :10.07.2018: 2P/4C