

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.2.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI

AND

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.9062 of 2018

and

W.M.P.No.11004 of 2018

Thaddeus Paul

Petitioner

Versus

- 1 The State of Tamil Nadu rep
by its District Collector
Nilgiris 643 001
- 2 The Tahsildar
Pandalur Taluk Pandalur Post 643 233
- 3 The President /Secretary
Nelakottai Panchayath Nelakottai Post
Nilgiris 643 225
- 4 Additional District Collector
District Rural Development Authority
Ooty 643 001
- 5 Block Development Officer (Panchayat)
Gudalur Panchayat Union
Bazar Post Nilgiris 643 212

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents to take all and necessary steps to protect Kunnalady Mangamvayal Road which passes through R.S.No.1520/4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and Bekky Kadalakolly road which passes through 1520/14 and prevent illegal activities and encroachments from the above mentioned public road and maintain the same as public roads for the usage of the public at large.

For petitioner : Mrs.Selvi George

For Respondents : Mr.J.Pothiraj

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

The present PIL writ petition was filed by the petitioner, Thaddeus Paul, Son of P.J.Paul in this court on 8th January 2018

with the prayer that the Respondents may take necessary steps to protect the Kunjalady Mangamvayal Road which passes through R.S.No.1520/4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and Bekky Kadalakolly road which passes through 1520/14 and prevent illegal activities and encroachments from the above mentioned public road and maintain the same as public roads for the usage of the public at large.

2. Upon issuance of notice, the respondents have filed Counter and also Additional Counter Affidavit today in the court today signed by Mrs.J.Innocent Divya, Wife of Shri.Jagan Joseph, working as Collector of the Nilgiris District, dated 1.2.2019 alongwith a set of documents and brought to our notice that in a meeting held with the District Committee concerned, it was resolved to grant permission to make the sub-Division in Resurvey No.1520/5, 6, 7, 8, 9, 10, 11, 12, 13 & 14 of Nelliyalam 2 Village in Pandalur Taluk. The said resolution as quoted below for ready reference:-

" OTHERS-GUDALUR DIVISION
PANDALUR TALUK

12) Tahsildar, Pandalur has requested to change the classification as salai in S.No.1520/4, 5, 6, 7, 8, 9, 10, 11, 12, 13 of Nelliyalam 2 Village, Pandalur Taluk, (Lr.No.R.C.A1.Va.Pa.24/2018 dated 28.12.2018).

Thiru.Thaddeus Paul, Pandalur has filed a Writ Petition 9062/2018 at Honourable High Court to issue the directions to the respondents (i.e. Collector, Tahsildar, Pandalur) to subdivide the land in S.No.1520/4, 5, 6, 7, 8, 9, 10, 11, 12, 13 of Nelliyalam 2 Village, Pandalur Taluk. In this regard, the Tahsildar, Pandalur has started that the above field is situated in Mangamvayal at a distance of 5 Kilometers from Uppatty. And said Resurvey No.1520/5, 6, 7, 8, 9, 10, 11, 12, 13 & 14 which comes under patta lands and Survey No.1520/4 which is the Government Poramboke land of Nelliyalam 2 Village of Pandalur Taluk, and recommended for grant permission to subdivide the said survey numbers as "Salai". Since the Resurvey No.1520/5, 6, 7, 8, 9, 10, 11, 12, 13 & 14 of Nelliyalam 2 Village has notified under the TNPPF Act, necessary permission may be accorded to grant permission for subdivision as "Salai". Subject is put up before the District Committee for discussion.

Hence, the District Committee has resolved to grant permission to make Subdivision in Resurvey No.1520/5, 6, 7, 8, 9, 10, 11, 12, 13 &

14 of Nelliyalam 2 Village in Pandalur Taluk."

3. The learned counsel appearing for the petitioner submits that let the respondents undertake to resurvey the lands in question as 'Salai' so that the same position can be maintained.

4. The learned Government Counsel submits that the respondent are committed for the same and necessary Resolution shall be passed in this case as soon as possible.

5. Accordingly, we dispose of this writ petition with a direction to the respondents to conclude the aforesaid proceedings in terms of the resolution passed, within a period of three months from today. No order as to costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssk.

To:

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by its District Collector
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Bazar Post Nilgiris 643 212

+1 CC to Ms.SELvi George, Advocate sr 10169.
+1 CC to Govt. Pleader sr 10778

W.P.No.9062 of 2018

RJI (CO)
SP(20/03/2019)