

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2019

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.3198 of 2019
and
W.M.P.No.3451 of 2019

R.P.Desamani

.. Petitioner

Vs.

- 1.The District collector,
Namakkal Collector Office,
Namakkal.
- 2.The District Revenue Officer,
Kumarapalayam Taluk,
Namakkal District.
- 3.The Revenue Divisional Officer,
Tiruchengode Taluk,
Namakkal District.
- 4.The Block Development Officer,
Kiliyanur Panchayat Union Office,
Kumarapalayam Taluk,
Kiliyanur Village,
Pallipalayam,
Namakkal District.
- 5.The Tahsildar,
Kumarapalayam Taluk,
Namakkal District.

- 6.K.Sivasubramanian
- 7.K.Haribasker
- 8.K.T.Loganathan
- 9.S.Palanisamy
- 10.R.Mani
- 11.M.Viswanathan
- 12.R.Rajendran
- 13.Muthusamy Gounder
- 14.Ananda Krishnan
- 15.M.Saroja

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 and 5 to dispose the representation dated 01.11.2018 by affording a personal hearing and dispose the same in a time bound manner.

For Petitioner : Mr.S.Rajmakesh

For RR1 to 5 : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

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

2. The prayer sought for in this writ petition is for a direction to the respondents 1 to 3 and 5 to dispose of the representation dated 01.11.2018 by affording a personal hearing and dispose the same in a time bound manner.

3. The petitioner claims that he is the owner to an extent of 6 Acres 92 Cents, which was originally purchased by his father from one vendor. He obtained title from the partition deed registered as Document No.370 of 2014. After his father's demise he and his brother started cultivating the said lands. It is stated that the other purchasers in the said unapproved layout have sold the plots to respondents 6 to 15 herein and the original owner has sold only the layout extent and has given the pathway rights alone to the respondents 6 to 15. Further, it is stated that the respondents 6 to 15 have gifted the pathway extent to the Block Development Officer/fourth respondent herein under a Gift Deed dated 20.07.2017 registered as Document No.1278/2017 in the Sub Registrar Office, Pallipalayam, in which they have only the right to use. Based on the said Gift Deed, the Block Development Officer has also mutated the revenue records. In this regard, the petitioner has sent a representation dated 01.11.2018 to the respondents 1 to 5 herein, requesting them that no action should be taken on the basis of Gift Deed dated 20.07.2017 and afford an opportunity to the petitioner for placing all the relevant documents before them. As there was no response, the present writ petition has been filed.

4. Heard Mr.S.Rajmakesh, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents 1 to 5.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondents 1 to 5 to consider the petitioner's representations dated 01.11.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, respondents 6 to 15 herein as well as any of the interested parties and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

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To

- 1.The District collector,
Namakkal Collector Office,
Namakkal.
- 2.The District Revenue Officer,
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- 3.The Revenue Divisional Officer,
Tiruchengode Taluk,
Namakkal District.
- 4.The Block Development Officer,
Kiliyanur Panchayat Union Office,
Kumarapalayam Taluk,
Kiliyanur Village,
Pallipalayam,
Namakkal District.
- 5.The Tahsildar,
Kumarapalayam Taluk,
Namakkal District.

+1cc to Mr.S.Rajmakesh, Advocate SR.No.8620

+1cc to Government Pleader SR.No.9166

W.P.No.3198 of 2019
and
W.M.P.No.3451 of 2019

CP (CO)
GMY (21/02/2019)



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