

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.32318 of 2019
and W.M.P.No.32607 of 2019

P.K.Padmanabhan

....Petitioner

Vs

1.The District Collector,
Coimbatore.

2.The Sub Collector,
Pollachi.

3.The District Revenue Officer
Coimbatore.

4.The Tahsildar,
Pollachi, Coimbatore.

5.C.Santhanakrishnan

.....Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 1 to 4 to revoke the order dated 12.04.2017 in Na.Ka.6648/2015/A5, granting assignment to the 5th respondent, by considering his representation dated 23.03.2019.

For Petitioner : Mr.P.Valliappan
For Respondents : Mr.Akhil Akbar Ali
Government Advocate for R1 to R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The writ petition is styled as a Public Interest Litigation filed by the petitioner on behalf of the residents of Periapodhu Post, Pollachi, Coimbatore District stating among other things

that the land admeasuring to an extent of 76 sq.m in S.NO.1070/10 of the said Village is used for public purposes and without taking note of the interest of the residents of the locality and without putting any of them on notice, the said land has been sold in favour of the 5th respondent.

2. Mr.P.Valliappan, learned counsel appearing for the petitioner has drawn the attention of this Court to the proceedings of the 3rd respondent dated 12.04.2017 in Na.Ka.No.6648/205/A5 and would submit that as per the proceedings of the 2nd respondent dated 27.07.2015 in Na.Ka.No.2057/2015/Aa1, the said land has been sold in favour of the 5th respondent and thereafter patta was also changed in his favour and in the light of the fact that it is used as Natham Poromboke Pathway by the public and on account of the sale of the said piece of land, their access has also been denied. In this regard, the petitioner has also submitted a detailed representation dated 23.03.2019 to the official respondents and despite receipt and acknowledgment, no action whatsoever has been taken and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. This Court has considered the rival submissions and also perused the materials placed before it.

4. Revenue Standing Order No.XV (RSO.XV) deals with disposal of the lands and in the considered opinion of this Court whether the said land in question is a "Natham Poromboke" pathway or not?, cannot be adjudicated by this Court, in exercise of it's jurisdiction under Article 226 of the Constitution of India, for the reason that it requires summoning and appreciation of documents and it may also involve adjudication on disputed question of facts.

5. In the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, if the petitioner is so advised, he is at liberty to avail the appeal remedy before the Commissioner, Land Administration, Chempauk, Chennai-600 005 along with petition for condonation of delay, if any and upon receipt of the same, if the papers are otherwise in order subject to the limitation / condonation of the same, the Commissioner, Land Administration, Chennai-600 005, may entertain the appeal after putting the petitioner as well as the 5th respondent on notice and consider and dispose of the same in accordance with law as expeditiously as possible.

6. The Writ Petition stands disposed of with the above directions. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Coimbatore.

2.The Sub Collector,
Pollachi.

3.The District Revenue Officer
Coimbatore.

4.The Tahsildar,
Pollachi, Coimbatore.

+1 cc to M/s.P.Valliyappan,Advocate Sr.No. 96418

+1 cc to The Government Pleader Sr.No. 96559

AKM/08.01.2020/3P-7C /

WP.No.32318 of 2019

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