



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM:

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**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P(MD)NO.1156 OF 2019

G.Venkatesan

... Petitioner

.vs.

1. The District Collector,
Office of the District Collector,
Madurai District.
2. The District Revenue Officer,
Office of the District Collector,
Madurai District.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai District.
4. The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to take appropriate action on the basis of the direction issued by the first respondent in Na.Ka.No.47682/2018/J3, dated 20.11.2018 by considering the representation submitted by the Petitioner on 15.10.2018 within the time stipulated by this Court.

For Petitioner

:Mr.R.Duraimurugan

For Respondents

:Mr.Aayiram K.Selvakumar
Addl. Govt.Pleader

O R D E R

[Order of the Court was made by **K.KALYANASUNDARAM., J.**]



Government Pleader appearing for the respondents and perused the materials available on record.

2.The prayer in the Writ Petition is to issue a Writ of Mandamus directing the third respondent to take appropriate action on the basis of the direction issued by the first respondent in Na.Ka.No.47682/2018/J3, dated 20.11.2018 by considering the representation submitted by the Petitioner on 15.10.2018 within the time stipulated by this Court.

3.According to the Petitioner, in the revenue records Document 'A' of Kulasekarankottai Revenue Village Tank(Kanmai) situate in S.Nos.330/11,12,14,15,16 and 333/7,8,9,10 and 334/5, 7,8 and 357, measures to an extent of more than 360 acres. Since the water body has been encroached upon by the individuals, the Petitioner gave a representation for removal of encroachment. Since no action has been taken, present Writ Petition has been filed.

4.The fourth respondent has filed a counter affidavit stating that out of 30 Survey Numbers in Kulasekarankottai, T.Vadipatti Taluk, Madurai District, only S.Nos.357/2, 374/11, 281/2417/10,417/11,12, 13,14,15 have been classified as 'Government Poramboke' land and Perumal Kulam, Odai,and Oorani and other lands during UDR Scheme have been classified as 'ryot dry land' and ryot-wari pattaas were issued during the UDR Settlement.

5.As per the earlier order, both the Revenue Divisional officer and Tahildar, the respondents 3 and 4 herein, are present before this Court. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents would state that even though some of the lands has been reclassified as 'ryot dry land' during the Updating Record Scheme, the respondents 3 and 4 are ready to look into the matter and pass appropriate orders to remove the encroachment made in the Perumal kulam and the catchment area, based on the Revenue Record Document 'A' of Kulasekarankottai Revenue Village and he seeks time to carry out the said process.

6.In the light of the limited scope of the prayer sought for in the Writ Petition and the submission of the learned counsels appearing on either side, this Court without expressing any opinion on the merits of the matter, directs the third respondent to consider representation submitted by the Petitioner on 15.10.2018 based on the Revenue Record Document 'A' of Kulasekarankottai Revenue Village and pass appropriate orders on merits and in accordance with law, after providing opportunity to all the necessary parties within a period of four months from the date of receipt of a copy of this order. It is made clear that if there is any reclassification made under the Updating Registry Scheme, that has to be set right by the respondents while carrying out the above said exercise.

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

7.With the above observations and directions, the Writ



Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

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/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Office of the District Collector,
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2. The District Revenue Officer,
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3. The Revenue Divisional Officer,
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Madurai District.
4. The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

+1cc to Mr.R.Durai Murugan, Advocate in SR.No. 53312

+1cc to Special Government Pleader SR.No. 53284

ORDER MADE IN
W.P (MD) NO.1156 of 2019
11.03.2019

KK-04.04.2019/2P-7C