



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.13405 of 2019andW.M.P. (MD) No.9977 of 2019

M.Valarmathi

...Petitioner

-Vs-

1. The District Collector,
O/o.District Collector,
Collectorate Complex,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Kodaikanal,
Dindigul District.
3. The Tahsildar,
O/.o.Tahsildar,
Kodaikanal,
Dindigul District.
- 4.The Village Administrative Officer,
Kookkal Panchayat,
Kodaikananal,
Dindigul District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, forbearing the 4th respondent from evicting the petitioner from the patta land of the petitioner comprising in Survey No.1238/3C constituting 0.50.50 ares situated in Kookkal Village, Kodaikanal Taluk, Dindigul District, without following the due process of law.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.M.Murugan, Govt. Advocate

**ORDER**

The prayer in this writ petition is for a Writ of Mandamus, forbearing the 4th respondent from evicting the petitioner from the patta land of the petitioner comprising in Survey No.1238/3C constituting 0.50.50 ares situated in Kookkal Village, Kodaikanal Taluk, Dindigul District, without following the due process of law.

2.Heard Mr.I.Prabhu, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3.The learned counsel appearing for the petitioner submits that, the land in question situated in S.No.1238/C at Kookkal Village, Kodaikanal Taluk, Dindigul District has already been assigned in favour of the petitioner by the revenue department as early as on 05.05.1992 and subsequently, patta also has been issued in the name of the petitioner by the revenue department and accordingly, the petitioner has been in possession and enjoyment of the said property.

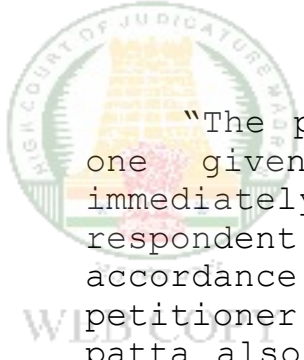
4.While that being so, all of a sudden, the revenue authorities, especially through the 4th respondent, demanded the petitioner to vacate the property for the reason best known to them. In this regard, the petitioner has given a detailed representation only to the 4th respondent, who is the Village Administrative Officer concerned and a copy of the representation has been marked to other respondents i.e. respondents 1 to 3. Since no action seems to have been taken, the petitioner is before this Court.

5.I have heard the learned Government Advocate appearing for the respondents, who would submit that, the claim made by the petitioner has to be verified by the revenue authorities, especially, the 3rd respondent Tahsildar and in this regard, if at all the petitioner is having any grievance, he should not have given representation to the 4th respondent, who is only a Village Administrative Officer, who does not have power to decide the grievance of the petitioner. Therefore, if he makes a representation once again to the 3rd respondent, i.e., the Tahsildar, the grievance of the petitioner would be considered and addressed.

6.I have considered the said submissions made by both sides and also appreciated the stand taken by the learned Government Advocate appearing for the respondents that representation can be given to the appropriate authority and on receipt of the same, the grievance of the petitioner would be decided by the 3rd respondent.

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

7.In the light of the above, this Court is inclined to dispose of this writ petition with the following direction:



"The petitioner shall give a detailed representation, as the one given on 29.05.2019, to the 3rd respondent Tahsildar immediately, and on receipt of such representation, the 3rd respondent Tahsildar shall decide the same on merits and in accordance with law and while deciding the same, the claim of the petitioner that, the land has already been assigned to her and patta also has been granted already in the name of the petitioner shall also be taken into consideration and properly, a decision can be taken protecting the interest of the petitioner as has been accrued with such right. Till such decision is made by the 3rd respondent, the petitioner shall not be evacuated or evicted from the subject land. The aforesaid exercise shall be undertaken by the 3rd respondent, within a period of eight weeks from the date of receipt of such representation from the petitioner."

10. With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

Arul

To

1. The District Collector,
O/o.District Collector,
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Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Kodaikanal, Dindigul District.
3. The Tahsildar,
O/o.Tahsildar,
Kodaikanal, Dindigul District.
4. The Village Administrative Officer,
Kookkal Panchayat,
Kodaikanal, Dindigul District.

+1cc to M/S.SPECIAL GOVERNMENT PLEADER, Sr.No.69196
+1cc to M/S.L.PRABHU, Advocate, Sr.No.68679

Order made in

W.P. (MD) No.13405 of 2019

Dated:

14.06.2019



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