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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 5862 of 2019 and

W.M.P. (MD) Nos. 4686 & 4687 of 2019

S.R. Malairajan

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Ramanathapuram.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram.

3. The Tahsildar,
Office of the Tahsildar,
Vandikara Street,
Ramanathapuram.

4. The Block Development Officer,
Office of the Block Development Officer,
Mandapam Union,
Ramanathapuram.

5. The Special Officer,
Pattinamkathan Panchayat,
Ramanathapuram Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the compound wall constructed by respondents 4 and 5 by encircling the petitioner's property to an extent of 3 cents situated at S.No.299/29, Pattinamkathan Village, Pattinamkathan Group, Ramanathapuram Taluk Ramanathapuram District.



for Mr.K.Balasubramanian

For Respondents

: Mr.M.Murugan,
Government Advocate.

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ORDER

Heard the learned counsel on either side.

2. This Court by order dated 01.04.2019 had issued the following direction:-

"When the writ petition was taken up for hearing, the learned counsel for the petitioner drew my attention to the communication dated 30.08.2017 issued by the Tahsildar, Ramanathapuram, wherein it has been stated that there is a proposal to allot an alternative site to Thiru.Ramamoorthy and issue assignment patta.

2. The learned Government Advocate also produced a rough sketch indicating the location of the alternative site. The learned counsel for the petitioner is ready to withdraw the writ petition provided, proper assignment patta is issued and physical possession of the same is also handed over to him.

3. It is seen that the offending compound wall has been put up in violation of the order passed by this Court. But the petitioner does not want to precipitate the matter and he is willing to give a quietus to the whole issue, provided, the authorities abide by their undertaking given earlier.

4. Therefore, the Tahsildar, Ramanathapuram, is directed to issue appropriate proceedings in this regard as stated in their communication bearing Na.Ka.No.gp9/2751/2014 dated 30.08.2017.

5. Since the original applicant Thiru.Ramamoorthy is no more, the Tahsildar, Ramanathapuram, shall issue the proceedings in the name of the applicant's wife namely Indirani, wife of Late.Ramamoorthy."

3. But, today when the matter was taken up for hearing, the official who is present before this Court submitted that due to election related works, they could not issue proceedings in favour of the Writ petitioner. On instructions, it is further submitted that the proceedings will be issued within a period of four weeks from the date of receipt of a copy of this order.

4. Recording the said submission, the Writ petition stands



allowed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Office of the District Collector,
Ramanathapuram.
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Office of the Revenue Divisional Officer,
Ramanathapuram.
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Vandikara Street,
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Mandapam Union,
Ramanathapuram.
5. The Special Officer,
Pattinamkathan Panchayat,
Ramanathapuram Taluk,
Ramanathapuram District.

+1cc to Mr.S.K.BALASUBRAMANIAN, Advocate, SR.No. 64142

+1cc to M/s.Special Government Pleader, SR.No. 65023

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PMU

KK/SAR/03.06.2019/3P-8C

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