



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 16.07.2019

CORAM

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 15823 OF 2019

Rajangam

... Petitioner

- Vs -

1. The District Collector
Sivagangai District.
2. The Revenue Divisional Officer
Sivagangai District.
3. The Tahsildar
Kalayarkoil, Sivagangai Dt.
4. The Superintendent of Police
Sivagangai District.
5. The Deputy Superintendent of Police
Sivagangai District.
6. The Inspector of Police
Kalayarkoil Police Station
Sivagangai District.
7. Rajasekaran
8. Chelliah
9. Chelliah

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing respondents 1 to 3 herein to remove the encroachment made by respondents 7 & 8 in the burning and burial ground, oorani and pathway comprised in new Survey No.435/1, 2 & 3 & old Survey No.254 means for basic public amenities by cancelling the illegal patta and restore the same for public utility and consequently direct respondents 1 & 2 herein to initiate disciplinary proceedings against the erring officials for giving false statement, manipulation of records and for securing fraudulent patta in Survey No.435/1, 2 & 3, Old Survey No.254, within a reasonable time as may be fixed by this Hon'ble Court.



For Petitioner : Mr. P.Krishnasamy
For Respondents : Mr. J.Gunaseelan Muthiah,
AGP for RR-1 to 3

ORDER

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(Order of the Court was made by M.Sathyannarayanan, J.)

The petitioner claims to be a public interest litigant and eking out his livelihood as an agricultural coolie and according to him, as per the settlement record of the year 1962, Survey No.255/1 of Maravamangalam Village was classified as burial ground and cart track and five acres in survey No.254 was classified as Natham Poramboke and the private respondents, in the year 1993, managed to create documents as if they are the pattadars and that apart, very many government buildings had also come into existence and in this regard, on grievance day, a representation dated 5.4.19 was submitted to the 1st respondent praying for appropriate action and despite receipt and acknowledgement, no orders have been passed and, therefore, the petitioner has come forward to file this writ petition.

2. Heard the learned counsel appearing for the petitioner and Mr.Gunaseelan Muthiah, learned Addl. Government Pleader, accepts notice for respondents 1 to 3.

3. Though the petitioner prays for a larger relief, however, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in the representation or in the writ petition, directs the 1st respondent to forward the said representation dated 5.4.19 to the 4th respondent within a period of four weeks from the date of receipt of a copy of this order and the 4th respondent, upon receipt of the said representation, is directed to consider the said representation on merits and in accordance with law within a period of eight weeks thereafter, after putting on notice the persons concerned and also by adhering to the principles of natural justice and communicate the decision taken to the petitioner as well as to the persons concerned.

4. This writ petition is disposed of accordingly.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The District Collector
Sivagangai District.
2. The Revenue Divisional Officer
Sivagangai District.
3. The Tahsildar
Kalayarkoil, Sivagangai District.
4. The Superintendent of Police
Sivagangai District.
5. The Deputy Superintendent of Police
Sivagangai District.
6. The Inspector of Police
Kalayarkoil Police Station
Sivagangai District.

+1 CC to Mr.P.KRISHNASAMY, Advocate (SR-75586[F] dated 16/07/2019)
+1 CC to SPL GP (SR-75762[F] dated 17/07/2019)

W.P. (MD) NO. 15823 OF 2019
16.07.2019

gln

MK (06.08.2019) 3P 9C