



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.21139 of 2019

WEB COPY

J.Raveendran

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer,
District Collector Office,
Tirunelveli.
- 3.The Special Officer of Adi-Dravidar Welfare,
District Collector Office,
Tirunelveli.
- 4.The Tahsildar,
Tahsildar Office,
Veerakeralampudur.
- 5.The Special Tahsildar,
Adi-Dravidar Welfare,
Tahsildar Office,
Tenkasi.
- 6.The Revenue Inspector,
Parangundrapuram (via),
Surandai, Tirunelveli District.
- 7.The Village Administrative Officer,
Cholaiserry Village,
At Karuvantha,
Uthumalai Via.,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to rectify the erroneous classification "Harijan Natham" of the land in Old Survey No.375/4 which has been subsequently sub-divided as Survey No.375/4A & 4B and consequently to issue patta to the petitioner as well as other co-sharers in respect of the land in Old Survey No.375/4, Cholaiserry Village, Veerakeralampudur Taluk, Tirunelveli District.



For Petitioner : Mr.A.Mohamed Haneef
For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader.

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ORDER

Mr.A.Mohamed Haneef, learned counsel on record for writ petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader on behalf of all seven respondents are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 01.09.2017 wherein writ petitioner has sought patta and property revenue classification pursuant to orders of this Court and orders of Hon'ble Supreme Court in challenge to land acquisition proceedings.

4. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 01.09.2017, details of which have been alluded to supra.

5. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 01.09.2017 made by the writ petitioner (page Nos.31 to 33 of the typed set of papers forming part of the case file).

6. To be noted, representation dated 01.09.2017 has been addressed to first respondent / District Collector. First respondent shall forward the same to the second respondent / Jurisdictional District Revenue Officer within a period of fortnight from the date of receipt of a copy of this order. In the interregnum, ie., within a fortnight from the date of receipt of a copy of this order, writ petitioner shall produce all supporting documents and more particularly orders of this Court and orders of the Hon'ble Supreme Court referred to in this case file to second respondent.

7. On receipt of the aforesaid representation dated 01.09.2017, second respondent shall dispose of the same on its own merits and in accordance with law as expeditiously as possible and in any event, within eight (8) weeks after expiry of a fortnight.



8. It is made clear that in the course of the representation being considered by the second respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the second respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

9. The proceeding / order of disposal shall be communicated by the office of the second respondent to the writ petitioner and others concerned (if any) under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.

10. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
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Tirunelveli.
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Tirunelveli.
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Uthumalai Via.,
Tirunelveli District.

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-96875[F] dated 08/11/2019)

+1 CC to M/s.SPL GP (SR-96940[F] dated 08/11/2019)

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