



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.24185 of 2019
and W.M.P. (MD) No.20770 of 2019

Ravindran

... Petitioner

-vs-

- 1.The District Collector,
Sivagangai District,
Sivagangai.
 - 2.The Sub-Collector,
Devakottai,
Sivagangai District.
 - 3.The Assistant Director,
The District Land Survey Department,
(cum Personal Assistant to the District Collector),
Sivagangai District.
 - 4.The Tahsildar,
Singampunari Taluk,
Sivagangai District.
 - 5.Mrs.Kavitha
The Revenue Inspector,
S.S.Kotai Village Group,
Singampunari Taluk,
Sivagangai District.
 - 6.Raja
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to forbear the 4th Respondent from evicting the Petitioner from the lands in S.No.352/9A of 1.15 acre and 352/10 of 22 cents of Muraiyur Village, Singampunari Taluk, Sivagangai District till the hearing and disposal of the Revision Petition bearing No.A3/8415/2018 pending before the 2nd Respondent and the civil suit bearing O.S.No.112/2018 before the District Munsif Court, Thiruppathur.

For petitioner : Mr.V.Kannan

For Respondents 1 to 4 : Mr.A.K.Baskarapandian
Special Government Pleader



For 6th Respondent

: Mr.N.S.Karthikeyan

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

This Writ Petition has been filed to forbear the 4th Respondent from evicting the petitioner from the lands in S.No.352/9A of 1.15 acre and 352/10 of 22 cents of Muraiyur Village, Singampunari Taluk, Sivagangai District till the Revision Petition filed by the petitioner in No.A3/8415/2018 pending before the 2nd Respondent, challenging the order passed by the fourth respondent and the civil suit in O.S.No.112/2018 pending before the District Munsif Court, Thiruppathur are disposed of.

2.The petitioner would state that the fourth respondent Tahsildar, is acting at the behest of the Revenue Inspector Mrs.Kavitha, who is the sister of the 6th respondent, who is attempting to form a pathway through the petitioner's land and this attempt has been made in the year 2018.

3.The learned counsel appearing for the petitioner would demonstrate that there are two FMB sketches, which have been drawn by the 4th respondent and the earlier sketch does not show any pathway and the subsequent sketch shows there is a pathway. In this regard an order has been passed by the fourth respondent dated 02.05.2018. The correctness of the order is subject matter of challenge before the second respondent/Revenue Divisional Officer. Assuming that the fourth respondent has jurisdiction to deal with the pathway, the field map book cannot be altered without the approval orders of the Commissioner of Land Administration or any other officer of such rank because the Field Map Book is a permanent book maintained in every District. Therefore, merely because the Tahsildar has passed an order, the Tahsildar and the Revenue Inspector Mrs.Kavitha cannot took law into their hands.

4.During the course of arguments we have heard both sides and it is evident that there is no proceedings which are available to show that there is a pathway and based upon the request made by the 6th respondent, the fourth respondent has passed the order dated 02.05.2018 and it is not clear as on what basis the Revenue Inspector Kavitha made such recommendation. We do not know why police have been brought into the land in question for the purpose of claiming that there is a pathway and it is not clear as to why urgency and haste has been shown by the Tahsildar, Singampunari Taluk, while the Revision Petition is pending. We can easily infer that it must have been due to the pressure exerted by Mrs.Kavitha, who is none other than the sister of the 6th respondent.

5.Be that as it may, the order passed by the 4th respondent is now pending before the second respondent by way of revision. Therefore, without any order passed by the Sub-Collector, if the



Tahsildar, the Revenue Inspector and the Revenue officials along with Police are attempting to do anything, it should be termed as high-handed action.

6. Therefore, the respondents are restrained from in any manner interfering with the petitioner's right over the pathway. We further direct that the Sub-Collector, Devakottai shall consider the revision of the petitioner, after affording opportunity to the petitioner and take appropriate decision in accordance with law after verification of the records and if prior approval is required, such protocol shall also be followed.

7. Considering the fact that there is likelihood that the 5th respondent may use her official powers when the matter was placed for consideration before the Sub Collector, Devakottai, we direct the District the District Collector, Sivagangai to immediately transfer Mrs. Kavitha, the Revenue Inspector, S.S. Kottai Village Group, Singampunari Taluk to some other Taluk and ensure that she shall not in any manner interfere in the decision making process by the Sub Collector, Devakottai and she shall not be allotted any duty in connection with the Office of Sub-Collector, Devakottai.

8. We were prima-facie satisfied that the petitioner has made out a case and ordered status-quo and such order shall continue till the disposal of the revision petition filed by the petitioner before the Sub Collector, Devakottai.

9. The Writ Petition is allowed to the extent indicated above. Consequently, connected W.M.P. is closed. No costs.

Sd/-

Assistant Registrar (CO)

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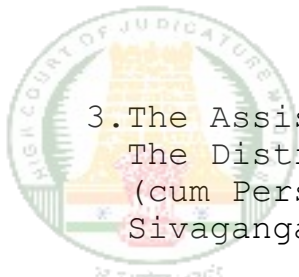
Sub Assistant Registrar (CS)

sj

To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Sub-Collector,
Devakottai,
Sivagangai District.



3.The Assistant Director,
The District Land Survey Department,
(cum Personal Assistant to the District Collector),
Sivagangai District.

4.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

+1 CC to M/s.V. KANNAN, Advocate (SR-99881[F] dated 20/11/2019)

+1 CC to M/s.M.S. KARTHIKEYAN, Advocate (SR-100267[F] dated
21/11/2019)

+1 CC to M/s.SPL GP (SR-100352[F] dated 21/11/2019)

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KK/SAR/27.11.2019/4P-8C/