



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.7281 of 2020

R.Sivaraman,
represented by his
Power of Attorney,
M.S.Raju

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli.

2.The Revenue Divisional Officer,
Tiruchirappalli.

3.The Tahsildar,
Tiruchirappalli West Taluk,
Tiruchirappalli.

4.S.Diveeganathan
5.Aathilakshmi
6.Karthik

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation, dated 12.07.2019 within a time frame fixed by this Court.

For Petitioner : Mr.R.S.Sivaram

For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader
for R.1 to R.3

ORDER

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

The petitioner, in the affidavit filed in support of this writ petition, would aver among other things that his Principal owned the property situated in Plot No.75 of Alpha Nagar, Piratiyur East Village, Edamalaipattipudur, Tiruchirappalli Taluk, Tiruchirappalli District and the old S.F.No.135/1 pertains to new



UDR S.F.No.11/1A2, T.S.No.19/2, Tiruchirappalli City Corporation Ward No.AL and Block No.1.

2. The petitioner would further state that his Principal had purchased the said property vide registered sale deed dated 24.04.2008 bearing Document No.2315 of 2008 and further claims that prior to the purchase of the property, his predecessors in title got clear title in respect of the said property. The petitioner also speaks about the Layout, namely, Alpha Nagar, that was formed in the year 1971 and the selling of the plots.

3. The grievance expressed by the petitioner is that on enquiry, he came to know that the respondents 4 to 6 illegally removed the survey stones with an order passed by the second respondent and no notice whatsoever was issued to the concerned person(s) before doing so and he would further aver that the fifth respondent, taking advantage of the Regularisation Government Order in G.O.Ms.No.78, Housing and Urban Development Department, dated 04.05.2017, also seeks to regularise the unapproved plots.

4. It is the case of the petitioner that his Principal has absolute right and title over the said property and in the light of the fraud played by the private respondents, necessary entries in the UDR Patta are to be cancelled with consequential relief and in this regard, he submitted a detailed representation, dated 12.07.2019 to the first respondent and despite receipt and acknowledgement, no orders have been passed and hence, came forward to file this writ petition.

5. Heard the submissions of the learned Counsel for the petitioner and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3, who would submit that the petitioner is having an alternative remedy for cancellation of the alleged wrong UDR entry and he has to approach the jurisdictional District Revenue Officer and has also drawn the attention of this Court to the representation submitted by the petitioner and would submit that some of the reliefs sought for by the petitioner, he has to invoke the common law remedy.

6. This Court has considered the rival submissions and perused the materials available on record.

7. A cursory perusal of the representation of the petitioner would disclose that some of the statements and prayers made by the petitioner also touch upon the civil rights of the parties. If the petitioner is interested in knowing about the fate of his representation, he is always at liberty to invoke the provisions of the Right to Information Act and it is also an efficacious alternative remedy to know at what stage, his



representation is pending consideration on the file of the first respondent.

8. In the result, this writ petition is disposed of and the petitioner is granted liberty to invoke the provisions of the Right to Information Act to know about the stage or fate of his representation, dated 12.07.2019, submitted to the first respondent. No costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RSB

Note: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1.The District Collector,
Tiruchirappalli.

2.The Revenue Divisional Officer,
Tiruchirappalli.

3.The Tahsildar,
Tiruchirappalli West Taluk,
Tiruchirappalli.

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SRK (CO)

TR(14.08.2020) 3P 4C