



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.8346 of 2020

and

W.M.P (MD) .Nos.7756 and 7758

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K.Durairaj

: Petitioner

Vs.

1.The Revenue Divisional Officer
Usilampatti, Madurai District.

2.The Tahsildar,
Peraiyur, Madurai District.

3.The Sub-Inspector of Police,
Peraiyur Police Station, Madurai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication of the 2nd respondent in his proceedings in Na.Ka.No.1627/2020/A3 dated 06.06.2020 and quash the same as illegal and consequently, direct the 2nd respondent to survey and fix boundaries in the petitioner's land in Survey No.206/15, to an extent of 40 cents, situated at Koovalapuram Village, K.Meenakshipuram, Peraiyur Taluk, Madurai District.

For Petitioner : Mr.J.Jeyakumaran

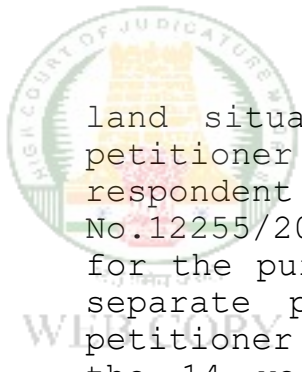
For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

The writ petition is filed to quash the proceedings in Na.Ka.No.1627/2020/A3 dated 06.06.2020 passed by the second respondent and consequently, to direct the second respondent to survey and fix the boundaries in the petitioner's land in Survey No.206/15, to an extent of 40 cents, situated at Koovalapuram Village, K.Meenakshipuram, Peraiyur Taluk, Madurai District.

2.Heard Mr.J.Jeyakumaran, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah, learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, he is an agricultural coolie and he is residing in the village with his family members and on the request of the petitioner, the respondents assigned agricultural



land situated in S.No.206/15, to an extent of 20 cents to the petitioner and after conducting detailed enquiry, the second respondent issued a communication in his proceedings in AANAI No.12255/2006/C5 dated 24.11.2006 and assigned the above said land for the purpose of agriculture. The second respondent has issued a separate patta in the petitioner's name in Patta No.1680. The petitioner is in possession and enjoyment of the said property for the 14 years. In the mean time, one Kannan and his mother viz Pandiammal has made an attempt to put up fence in the petitioner's land. Immediately, the petitioner lodged a complaint before the Peraiyur Police Station. When the police enquiry is pending, the said Pandiammal filed a direction petition before this Court in Crl.O.P(MD).No.6380 of 2020 seeking not to harass them under the guise of enquiry. Therefore, the said proceedings are pending before the Police. At this juncture, on 17.03.2020 the petitioner has made a representation to the second respondent to survey and fix boundaries. While the police enquiry is pending, the third respondent insisted the said kannan and his mother to give a complaint against the petitioner before the second respondent to cancel the assignment patta. Based on which, the second respondent has obtained a report. Pursuant to which, the second respondent has passed impugned communication in his proceedings in Na.Ka.No.1627/020/A3 dated 06.06.2020. Hence, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner would submit that since the above said property has been defined as 'Tharису' in the Village records, the second respondent requested the Revenue Divisional Officer to take appropriate action against the said land. He further submitted that without providing any opportunity to put forth his stand before the Tahsildar, he passed the impugned order. Therefore, the said impugned order is liable to be set aside.

5.The learned Additional Government Pleader appearing for the respondents would submit that since the Tahsildar has submitted his report to the first respondent, no final decision has been taken. He further submitted that if any objection is made by the petitioner, the said objection will be taken note of and after giving an opportunity in accordance with law, final order will be passed by the Revenue Divisional Officer.

6.By relying upon the said report, this Court cannot grant the relief as sought for by the petitioner in this writ petition. If the petitioner is being aggrieved, he has right to make an objection to the said report before the first respondent and after receiving of such objection or explanation submitted by the petitioner, the first respondent has to consider the same, in the manner known to law and pass orders on merits and in accordance with law, after giving an opportunity to the petitioner.



7. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar (AS)

/ /2020

Sub Assistant Registrar(CS)

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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 Revenue Divisional Officer
Usilampatti,
Madurai District.

2. The Tahsildar,
Peraiyur,
Madurai District.

3. The Sub-Inspector of Police,
Peraiyur Police Station,
Madurai District.

+1 CC to SGP (SR-13487[F] dated 31/07/2020)

Order made in
W.P. (MD)No.8346 of 2020

Dated:
30.07.2020

SPU(12.08.2020) 3P 5C