



WEB COPY

W.P.(MD)No.12746 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12746 of 2020

and

W.M.P. (MD)No.10830 of 2020

S.K.Subathra

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Tahsildhar,
Ambasamudram Taluk,
Tirunelveli District.

4.The Commissioner,
Ambasamudram Municipality,
Tirunelveli District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the fourth respondent from exploiting the rent deposit of the market in the separate account maintain in his name and usurping the petitioner's land comprised in part of S.No.370A/1, present S.No.370/10, measuring 1 Acre, 52 Cents, Mela Ambasamudram in Ambasamudram Taluk in Tirunelveli District, on the basis of his communication dated 04.09.2020 till the outcome of the disposal of the petitioner's representation dated 11.08.2020 pending before the second respondent relating with the rectification and reclassification of the above said land as "Individual".

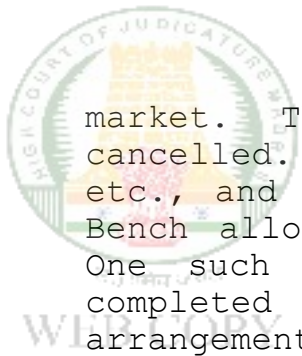
For Petitioner : Mr.R.Suriyanarayanan
For Respondents : Mr.S.Angappan
Government Advocate

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

2.There is a serious dispute between the petitioner and the fourth respondent Municipality in the matter of running a private

<https://hcservices.ecourts.gov.in/hcservices/>



market. The license issued in favour of the petitioner came to be cancelled. This became subject matter of W.P.(MD)No.10892 of 2017 etc., and by a common order dated 21.03.2018, the Hon'ble Division Bench allowed the writ petitions and passed a set of directions. One such direction is that till the exercise in question is completed by the Commissioner of Ambasamudram Municipality, the arrangement of collection of rent from the weekly market by the municipal employees will continue and that separate accounts would be maintained. It was specifically directed that the rents so collected shall be retained by the Municipality and it will abide by the fresh orders to be passed by the Commissioner.

3.The petitioner alleges that he has come across certain important documents and that, therefore, he has moved the District Revenue Officer, Tirunelveli, for re-classification. The petitioner had given a petition dated 11.08.2020 in this regard. The petitioner also alleges that the fourth respondent Municipality should be restrained from appropriating the rental proceeds.

4.I am of the view that if the direction given by the Hon'ble Division bench is being breached, his prayer is elsewhere. However, interest of justice requires that the petition given by the petitioner for reclassification before the District Revenue Officer, Tirunelveli, is speedily disposed of.

5.The learned Government Advocate appearing for R2 states that within a period of sixteen weeks, the second respondent will dispose of the petition mentioned representation.

6.I, therefore, direct the second respondent to enquire into the petitioner's petition mentioned representation and dispose it of on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. The second respondent will of-course issue notice to all the interested persons before passing final orders. In other words, due process of law will be observed.

7.The Writ Petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petition is closed.

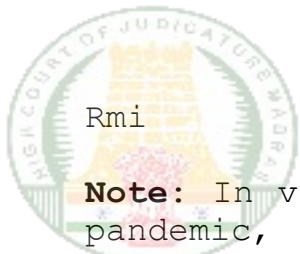
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Rmi

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,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Tahsildhar,
Ambasamudram Taluk,
Tirunelveli District.

4.The Commissioner,
Ambasamudram Municipality,
Tirunelveli District.

+1 CC to Mr.R. SURIYANARAYANAN, Advocate (SR-18307[F] dated 29/09/2020)

+1 CC to SPL GP (SR-18387[F] dated 29/09/2020)

W.P. (MD) No.12746 of 2020
28.09.2020

VB (08.10.2020) 3P 7C