



WEB COPY

W.P.(MD)No.17566 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM

THE HON'BLE MR.JUSTICE **S.VAIDYANATHAN**

W.P. (MD)No.17566 of 2020

and

W.M.P. (MD)No.14685 of 2020

N.Nagarajan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumangalam,
Madurai District.

2.The Tahsildar,
Tahsildar Office,
Thirumangalam,
Madurai District.

3.The Head Surveyor,
Tahsildar Office,
Thirumangalam,
Madurai District.

4.The Thirumangalam Municipality,
Rep. through its Commissioner,
Thirumangalam,
Madurai District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first and second respondents herein to consider the representation dated 16.09.2020 in respect of rectification of entry in revenue records related to T.S.No.219, measuring to an extent of 36 sq. mt. In Ward-C, Block No.20, Sundarakonar Street, Thirumangalam Town, Madurai District and pass final orders after affording opportunity of hearing in accordance with law, within a stipulated time.

For Petitioner	: Mr.D.Nallathambi
For Respondents	: Mr.K.P.Krishnadass
1 to 3	Special Government Pleader.
For Respondent 4	: Mr.A.Kannan
	Standing Counsel



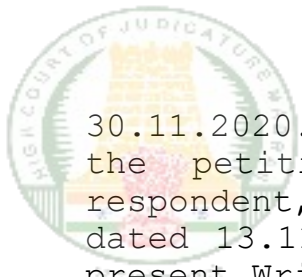
ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the first and second respondents herein to consider the representation dated 16.09.2020 in respect of rectification of entry in revenue records related to T.S.No.219, measuring to an extent of 36 sq. mt. In Ward-C, Block No.20, Sundarakonar Street, Thirumangalam Town, Madurai District and pass final orders after affording opportunity of hearing in accordance with law, within a stipulated time.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.A.Kannan, learned Standing Counsel accepts notice on behalf of the fourth respondent.

4.According to the petitioner, the property measuring to an extent of 36 sq. mt. in Survey No.28/11 situated in Thirumangalam Town, Madurai District originally a grama natham land. The petitioner and his brother had purchased the same along with other item of properties by a registered sale deed dated 28.08.1985 from one Gurunathan who traced the title from his father through a registered sale deed dated 11.09.1937. After purchase, all the revenue records were mutated in the name of the petitioner and his brother and they have been in possession and enjoyment of the said land. The said land was classified as T.S.No.219, Ward-C, Block No.20, Sundarakonar Street, Thirumangalam Town, Madurai District. The petitioner had leased out the said land to Reliance Telecommunication for installation of cell phone tower, after constructing a compound wall. Since the adjacent land owners interfered with the property of the petitioner, the petitioner and his brother filed a suit in O.S.No.140 of 1999 before the District Munsif Court, Thirumangalam and obtained a order in their favour by a judgment and decree dated 07.06.2005. While classification of land, the fourth respondent wrongly updated and classified the said land as Sarkar Poramboke pathway without any notice to the petitioner. The petitioner and his brother had made a representation on 16.06.2020 before the first and second respondent to rectify the classification after conducting proper survey with metes and bounds as per the original revenue records. Considering the grievance of the petitioner, the first respondent issued a direction to the second respondent to enquire the same and submit report. The same has been informed to the fourth respondent by the petitioner with a request to not to take any further proceeding till the disposal of the representation of the petitioner by the first respondent. However, the fourth respondent issued a notice dated 13.11.2020 stating that they will demolish the compound wall on



30.11.2020. According to the petitioner, when the representation of the petitioner dated 16.06.2020 is pending before the first respondent, the fourth respondent should not have issued the notice dated 13.11.2020. Hence, the petitioner has come forward with the present Writ Petition with the above prayer.

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5.This Court without going into the merits of the case, directs the authorities concerned to go and verify the place and take photograph and videograph. In case, if it is found that it is a lane and it does not belong to the petitioner, it is open to the petitioner to approach the appropriate Civil Court. In case, it is established that it is only a lane and as the petitioner has encroached into the lane a sum of Rs.1,00,000/- (Rupees One lakh only) deemed to have been imposed as cost and the cost is not paid by the petitioner, the entire building should be locked and sealed.

6.With the above direction, this Writ Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

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,
Revenue Divisional Office,
Thirumangalam, Madurai District.

2.The Tahsildar,
Tahsildar Office,
Thirumangalam, Madurai District.

3.The Head Surveyor,
Tahsildar Office,
Thirumangalam,
Madurai District.



4.The Thirumangalam Municipality,
Rep. through its Commissioner,
Thirumangalam,
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+1 CC to M/s.D. NALLATHAMBI, Advocate SR-24084[F] dated 04/12/2020

+1 CC to M/s.A.KANNAN, Advocate (SR-24180[F] dated 07/12/2020)

+1 CC to M/s.GP (SR-24446[F] dated 08/12/2020)

W.P. (MD) No.17566 of 2020
04.12.2020

MJ(CO)
TR(16.12.2020) 4P 8C