



WEB COPY

W.P.(MD)No.18863 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.18863 of 2020

(Through the Video Conferencing)

Pon.Sekar

... Petitioner

Vs

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer,
Devakottai, Sivangangai District.

3.The Tahsildar,
Singampunari Taluk,
Sivangangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second and third respondents to consider the petitioner's representation dated 12.11.2020 to mutate the revenue records in respect of 3.6 meters public pathway starting from Survey No.303-3, at Muraiyur Village, Singampunari Taluk, Sivagangai District.

For Petitioner : Mr.S.Kameswaran

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second and third respondents to consider the petitioner's representation dated 12.11.2020 for mutation of the revenue records in respect of 3.6 meters public pathway starting from Survey No.303-3, at Muraiyur Village, Singampunari Taluk, Sivagangai District and pass final orders within a time frame to be fixed by this Court.

2. Mr.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.S.Kameswaran, learned counsel for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader for the respondents.

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4. It is the case of the petitioner that the aforementioned lands is a public pathway. According to him, the aforementioned lands are presently owned by 29 families of Muraiyur Village. It is his case that all of them have given consent for mutation of revenue records, so that the said lands can be classified as a public pathway. The petitioner has given a representation on 12.11.2020 to the second and third respondents requesting for mutation of the revenue records. However, according to him, till date, the said representation has not been considered. In such circumstances, this Writ Petition has been filed.

5. The relief sought for by the petitioner in this Writ Petition is an innocuous relief. No prejudice will be caused to the respondents, if the representation of the petitioner dated 12.11.2020 is considered by the respondents on merits and in accordance with law.

6. The petitioner seeks for mutation of revenue records in respect of the aforementioned property, where, the villagers have given consent for conversion of the same into a public pathway. Admittedly, till date, the representation has not been considered by the respondents.

7. For the foregoing reasons, this Court directs the second and third respondents to consider the petitioner's representation dated 12.11.2020 to mutate revenue records in respect of 3.6 meters public pathway starting from survey No.303-3, Muraiyur Village, Singampunari Taluk, Sivagangai District and pass final orders on merits and in accordance with law, after hearing all the necessary parties including the members of the 29 families, who claim to be the present owners of the aforementioned lands, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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.

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To

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer,
Devakottai, Sivangangai District.

3.The Tahsildar,
Singampunari Taluk,
Sivangangai District.

+1 CC to Special Government Pleader SR.No.26833 of 2020.

W.P. (MD) No.18863 of 2020

21.12.2020

(TP) CO

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