



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.7658 of 2018

K.M.Kamatchi

... Petitioner

-Vs-

1.The Tahsildar,
Ramanathapuram District,
Ramanathapuram.

2.The Commissioner,
Panchayat Union,
Mandapam @ Uchipuli,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to classify the land situated in Survey No.388/1B2A at Pattanamkathan Village, Ramanathapuram Taluk, Ramanathapuram District to an extent of 337-1/2 sq. ft as public pathway within a stipulated time as fixed by this Court based on the representation dated 27.06.2017 given by the petitioner.

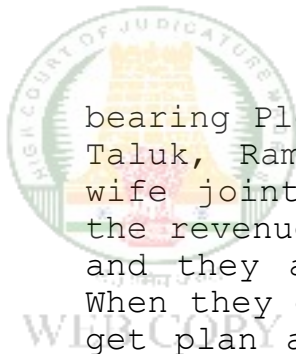
For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.M.Murugan
Government Advocate

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the first respondent to classify the land situated in Survey No.388/1B2A at Pattanamkathan Village, Ramanathapuram Taluk, Ramanathapuram District to an extent of 337-1/2 sq. ft as public pathway within a stipulated time, based on the petitioner's representation dated 27.06.2017.

2.Heard both sides.

3.According to the petitioner, the land in old Survey No.388/1B and new Survey No.388/1B2 to an extent of 5.78 cents



bearing Plot No.5 situated at Pattanamkathan Village, Ramanathapuram Taluk, Ramanathapuram District belonged to the petitioner and his wife jointly through a registered sale deed dated 05.11.2014. All the revenue records stood in the name of the petitioner and his wife and they are in possession and enjoyment of the same till today. When they decided to construct a building in their land, in order to get plan approval, they gifted 168 ^{3/4} sq.ft to the Government for the purpose of laying road through a registered gift deed dated 26.09.2016. Similarly, the adjacent land owners also gifted their land to an extent of 168 ^{3/4} sq.ft to the Government for the said purpose on the same day through a registered gift deed. Both the gift deeds were accepted by the Government. Thereafter the second respondent made a request to the first respondent to classify the gifted lands as road through his proceedings dated 03.01.2017. But there was no action on the part of the first respondent. Therefore, the petitioner sent a representation dated 27.06.2017 to the first respondent. Since no order has been passed on the representation of the petitioner, he has approached this Court, seeking aforesaid prayer.

4. Considering the facts and circumstances of the case, the first respondent is directed to consider the representation of the petitioner dated 27.06.2017 and pass orders in accordance with law within a period of 120 days from the date of receipt of a copy of this order and also in the light of the judgment made in W.P.(MD) No.14135 of 2020, dated 12.10.2020, after affording an opportunity of hearing to the concerned parties. It is needless to mention that the persons, who are likely to be affected or persons, who are interested must be heard.

5. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

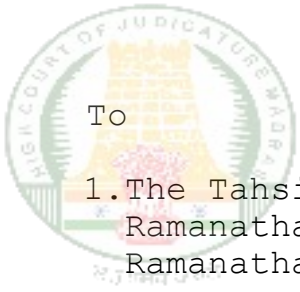
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Sub Assistant Registrar(CS)

PJL

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 Tahsildar,
Ramanathapuram District,
Ramanathapuram.

2.The Commissioner,
Panchayat Union,
Mandapam @ Uchipuli,
Ramanathapuram District.

+1 CC to the SPL GP (SR-23018[F] dated 26/11/2020)

W.P. (MD)No.7658 of 2018
24.11.2020

CK (CO)
CS (10.12.2020) 3P 4C