

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.3253 of 2021
& WMP No.3701 of 2021

K.Gandhi

...Petitioner

-Vs-

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri,
Dharmapuri District.

3.The Tahsildar,
Pennagaram Taluk,
Pennagaram-636 810,
Dharmapuri District

4.The Block Development Officer,
Eriyur Panchayat Union,
Eriyur-636 810,
Pennagaram Taluk,
Dharmapuri District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd Respondent to survey, mutate the revenue records and demarcate the boundaries of the petitioner's land in S.No.393, situated at Sunchalnatham Revenue Village, Pennagaram Taluk, Dharmapuri District based on his application dated 23.11.2020.

For Petitioner : Mr.M.R.Jhothimanian

For Respondents : Ms.A.B.Reehana Begam

Government Advocate for RR1 to 3

Mr.K.Magesh, Spl.Government Pleader
for R4.

ORDER

The present petition is filed by the petitioner seeking a direction to the 3rd respondent to survey, mutate the revenue records and demarcate the boundaries of the petitioner's land comprised in S.No.393, situated at Sunchalnatham Revenue Village, Pennagaram Taluk, Dharmapuri District based on his application dated 23.11.2020.

2.Heard both sides.

3.Ms.A.B.Reehana Begam, learned Government Advocate appearing on behalf of the respondents 1 to 3 and made a statement on instructions that an enquiry is fixed at 11.00 a.m., on 24.02.2021 at the Office of the Tahsildar, the third respondent herein.

4. The said statement of the learned Government Advocate is recorded.

5.The learned counsel for the petitioner submitted that while the petitioner's grandfather had granted one acre of land to the Panchayat, now, the Block Development Officer, the fourth respondent herein is trying for utilizing 1.13 acres for construction of the Post Stand by Panchayat and to the extent of 13 cents, the Panchayat is encroaching in his land and thereby the survey and demarcation of the property has become critical and hence, the Tahsildar in particular may look into the allegations alleged on excess usage of land by the Panchayat at the instance of the fourth respondent, the Block Development Officer.

6.Since the enquiry is already fixed, no further direction is required to be made except that the third respondent is directed to issue notice to all the parties who are likely to be affected by his decision and after providing the parties a fair and effective hearing, to dispose of the petitioner's application dated 23.11.2020 through a speaking order within a period of eight(8) weeks from the date of service of order copy, subject to such time that may be lost in responsibilities connected with the ensuing General Election of the Tamil Nadu State Legislative Assembly, 2021.

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

Sd/-
Asst.Registrar (CO)

/true copy/
Sub Asst. Registrar

dn
To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri,
Dharmapuri District.

3.The Tahsildar,
Pennagaram Taluk,
Pennagaram-636 810,
Dharmapuri District

4.The Block Development Officer,
Eriyur Panchayat Union,
Eriyur-636 810,
Pennagaram Taluk,
Dharmapuri District.

+1 cc to Mr.M.R.Jothimanian Advocate sr9684
+1 cc to Mr.K.Magesh Advocate sr9315
+1 cc to Government Pleader sr9931

W.P.No.3253 of 2021

gpl(co)
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