



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.16629 of 2021

And

W.M.P.No. 17623 of 2021

Joshy Mathew

.. Petitioner

Vs.

1. Government of Tamil Nadu
Represented by Secretary
Revenue Department
Fort St. George
Chennai - 600 009.
2. The District Collector
Collectorate Udagamandalam
Nilgiri District
Tamil Nadu - 643 001.
3. District Forest Officer
Gudalur Division DFO Office
No.11/274, Kozhikodu Salai
Gudalur Bazaar - 643 212.
4. Sub Inspector
Devarshola Police Station
Devarshola Post
Nilgiri District - 643 201

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein not to interfere with or deprived the petitioner of the possession of the land covered in the registered sale deed viz. document No. 934/1987, 946/1987, 943/1987, 944/1987 and 951/1987 and the residential house located there on and issue such further or other appropriate orders.



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For Petitioner : Mr. V.Prakash, Senior Counsel
For Respondents : Mr. K.M.d. Muhilan
Government Advocate

ORDER

This Writ Petition has been filed in the nature of Mandamus directing the respondents, particularly the Office of the District Collector, Udagamandalam in Nilgiri District from interfering with the possession of the lands covered in the registered sale deed viz. document No. 934/1987, 946/1987, 943/1987, 944/1987 and 951/1987 and the residential house which the petitioner claims are in his possession.

2. The petitioner has suffered orders passed by the Settlement Officer, but has not been enclosed a copy of the order in C.M.A.No. 129 of 2009 which was dismissed by the Tribunal on 02.07.2018 along with this Writ Petition.

3. Proper remedy for the petitioner herein is to file an Appeal before the Division Bench of this Court. This Writ Petition itself is not maintainable. The only liberty which can be granted to the petitioner is that an order can be passed to redirect the petitioner to approach the Division Bench and an obligation is placed on the petitioner to file such an Appeal.

4. The issue of limitation according to Mr.V.Prakash, will have to be examined in the light of extension of limitation period granted by orders of the Hon'ble Supreme Court and this Court. At any rate, I am not entering into a discussion on that particular aspect.

5. Mr.V.Prakash, learned Senior Counsel for the petitioner insists that some breathing time may be given to approach the appellate forum.

6. It may be extremely inappropriate on the part of this Court to grant any breathing time. It can only be indicated that the petitioner should approach the Division Bench at the earliest time for their own benefit and to safeguard their own interest.

7. In view of the fact that the petitioner had approached this Court, protection is granted only till 24.08.2021 and it will be in the interest of the petitioner himself to approach the appellate Court by filing an Appeal.



8. With the above said direction, this Writ Petition is dismissed giving liberty to the petitioner to approach the competent Division Bench to seek redressal of orders passed in C.M.A.No. 129 of 2009 dated 02.07.2018. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsg

To

- 1.The Secretary,
Government of Tamil Nadu,
Represented by Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
Collectorate Udagamandalam,
Nilgiri District,
Tamil Nadu - 643 001.
- 3.The District Forest Officer,
Gudalur Division, DFO Office,
No.11/274, Kozhikodu Salai,
Gudalur Bazaar - 643 212.
- 4.The Sub Inspector,
Devarshola Police Station,
Devarshola Post,
Nilgiri District - 643 201.

+1cc to Mr.U.Manogar Sr No.40454
+1cc to Government Pleader Sr No.39740

W.P.No.16629 of 2021
And
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PVS (CO)
PR (01/09/2021)