



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17510 of 2021

M. Velusamy

... Petitioner

Versus

1.The District Collector,
Erode District, Erode.

2.The District Revenue Officer,
Erode District, Erode.

3.The Revenue Divisional Officer,
Erode District, Erode.

4.The Tahsildar,
Perundurai Taluk, Perundurai,
Erode District.

5.M.Subramaniam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 3rd respondent to pass suitable order on the appeal preferred by the petitioner on 31.12.2020.

For Petitioner : Mr.C.Prakasam

For R1 to R4 : Mr.Yogesh Kannadasan,
Government Advocate

ORDER

This writ petition has been filed for issuance of direction to the 3rd respondent/Revenue Divisional Officer herein, to pass appropriate orders on the appeal preferred by the petitioner on 31.12.2020.



2. According to the petitioner, he is the owner of the land situated in Old Survey No.1028/3, R.S.No.1027/2, Muruganthozhuvu Village, Perundurai Taluk, Erode District measuring an extent of 1.66 acres, previously, he was owned 3.16 acres in the aforesaid survey number. Subsequently, he sold 1.50 acres by way of registered sale deed in favour of one Selvam on 03.05.2012. Thereafter, one Selvam sold the same piece of land to one Gopal, in turn, sold it to the 5th respondent, whereas, the 5th respondent obtained a sub-division for the same piece of land, where the northern side of east-west land was mentioned as 102.4 instead of 85.6 meters with the help of the 4th respondent by utilizing the sub-division entered into the petitioner's land and dig borewell in the petitioner's land. Even though the petitioner has approached the Executive Engineer, TANGEDCO, Perundurai Taluk, Erode District, for getting service connection for the said borewell, which was dig in the petitioner's land. Immediately, the petitioner made an objection before the Officials of the Electricity Board on 21.10.2020, in turn, the Assistant Executive Engineer called upon the petitioner, enquiry was conducted and he had strongly objected for giving service connection in favour of the 5th respondent for the aforesaid borewell. Later, the Assistant Executive Engineer of TANGEDCO had sent a communication to the Executive Engineer stating that the petitioner had given his consent for giving service connection to the 5th respondent. Thereafter, the petitioner has filed a writ petition in W.P.No.18853 of 2020 and the same was disposed of by order dated 15.12.2020 directing the Executive Engineer, TANGEDCO to consider the petitioner's fresh representation. In the meanwhile, the petitioner made a fresh representation dated 31.12.2020 along with the documents before the 3rd respondent/RDO herein to cancel the sub division made by the 4th respondent/Tahsildar in favour of the 5th respondent. On enquiry, the 3rd respondent/RDO directed the 4th respondent/Tahsildar to submit a report based on the enquiry report. Subsequently, the 5th respondent filed a suit in O.S.No.90 of 2021 before the learned District Munsif, Perundurai, for permanent injunction and the same is pending. However, the petitioner has preferred an appeal before the respondents dated 31.12.2020 against the order passed by the 4th respondent dated 08.10.2020 and the said appeal has not been considered and no orders have been passed so far. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to dispose of the petitioner's appeal dated 31.12.2020 and dispose of the same within a stipulated time that may be framed by this Court.



4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's appeal or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the third respondent/RDO herein, to dispose of the petitioner's appeal dated 31.12.2020 and pass appropriate orders, on merits and in accordance with law, after giving an opportunity to the 4th respondent within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msm

To

- 1.The District Collector,
Erode District, Erode.
- 2.The District Revenue Officer,
Erode District, Erode.
- 3.The Revenue Divisional Officer,
Erode District, Erode.
- 4.The Tahsildar,
Perundurai Taluk, Perundurai,
Erode District.

+1cc to the Government Pleader Sr No.42310
+1cc to Mr.C.Prakasam, Advocate Sr No.42461

W.P.No.17510 of 2021

PVS (CO)
PR (01/10/2021)