



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD)No.576 of 2020

K.Balasubramanian

... Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.

2. The Tasildhar,
Palani Taluk, Palani - 624601.

3. The Commissioner,
Palani Municipality,
Palani - 624601.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents who are the concerned authorities to reclassify the land in T.S.No.5/2 in our land an extent of 6680 sq.feet in Sivagiripatti Village, Palani Taluk, Dindigul District from being a Government land into private land and issue patta in our favour within the time fixed by this Court.

For Petitioner : Mr.K.Sathiya Singh

For Respondents : Mr.P.Subbaraj,
Counsel for State for R1 and R2
Mr.L.P.Maurya for R3

O R D E R

The petitioner seeks to reclassify the land in T.S.No.5/2 at Sivagiripatti Village, Dindigul District.

2. The petitioner states that the land bearing T.S.No.5/1 and T.S.No.5/2 originally admeasured about 2 acres and 11869 Sq.Ft. Out of the said land, the Government acquired about one acre for the purpose of providing a burial ground for the CSI Christian community. According to the petitioner, the remaining extent of land in T.S.No.5/2 is one acre 11869 Sq.Ft. It is stated that the petitioner is one of the persons who has inherited the said property.

3. Mr.P.Subbaraj, learned counsel for the State, appears on behalf of respondents 1 and 2 and relies upon the counter-affidavit of the Tahsildar to the effect that the petitioner plotted the remaining extent of one acre 11869 Sq.Ft and sold such lands to various purchasers, who have been issued a patta in respect thereof. Likewise, Mr.L.P.Maurya, learned Standing Counsel for the third respondent also relies upon a counter-affidavit wherein it is stated



that the lands in Survey No.5 belong to one Mr.Natraj and the land in Survey No.5/2 to one Mrs.Gandhimathi. On such basis the respondents herein dispute the claim of the petitioner.

4. For the present purposes, it is not necessary to go into or determine the merits of the dispute. Accordingly, without going into the merits of the matter, the second respondent-Tahsildar is directed to consider the petitioner's representation dated 26.02.2018 and dispose of the same by a reasoned order after providing a reasonable opportunity of hearing both to the petitioner and any others who would be affected by such decision. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

5. Accordingly, W.P(MD).No.576 of 2020 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Dindigul District, Dindigul.
2. The Tasildhar,
Palani Taluk, Palani - 624601.
3. The Commissioner,
Palani Municipality,
Palani - 624601.

+1 CC to M/s.GP (SR-25189[F] dated 04/08/2021)

+1 CC to M/s.K.SATHYASINGH, Advocate (SR-25142[F] dated 04/08/2021)

W.P. (MD) No.576 of 2020

03.08.2021

RD(10.08.2021) 2P 6C