



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.3533 of 2021

and W.M.P. (MD)No.2860 of 2021

Subburaj

.. Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

3.The Tahsildar,
Ettayapuram Taluk,
Tuticorin District.

4.The Commissioner,
Kovilpatti Panchayat Union,
Kovilpatti,
Tuticorin District.

5.The Panchayat President,
Mela Eral Panchayat,
Ettayapuram Taluk,
Tuticorin District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents No.4 and 5 from forming the playground in the petitioner's land situated at Survey No.84/8, Valampatti Village, Ettayapuram Taluk, Tuticorin District except following due process of law.

For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.B.Bhagawathi,
Government Advocate.



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, forbearing the respondents 4 and 5 from forming a playground in the subject property.

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2. The case of the petitioner is that the subject property has been wrongly classified as a Government Porampokku and an attempt is being made by the respondents 4 and 5 to form a playground in the property. The petitioner has made a representation, in this regard, on 01.02.2021 and the same was not considered. Left with no other option, the present Writ Petition has been filed before this Court.

3. The learned Government Advocate appearing on behalf of the respondents submitted that the objection submitted by the petitioner has been taken on file by the third respondent and a notice was also issued to the petitioner to produce all the relevant documents. The learned Government Advocate submitted that this notice was issued on 27.02.2021. It was further submitted that the petitioner must cooperate for the enquiry and must submit all the relevant documents in order to enable the third respondent to take a decision on the objections made by the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner will cooperate for the enquiry and will submit all the relevant documents.

5. Taking into consideration the facts and circumstances of the case and also the fact that the third respondent has already called the petitioner for enquiry, there shall be a direction to the petitioner to participate in the enquiry and submit all the relevant documents to enable the third respondent to take a decision. The third respondent shall conduct an enquiry and pass final orders, on its own merits and strictly in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. Till the final order is passed, *status quo* shall be maintained.

6. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

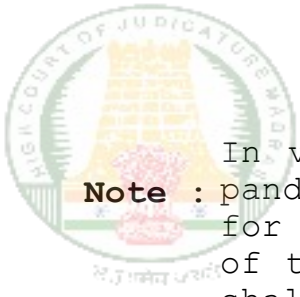
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



In view of the present lock down owing to COVID-19
Note : 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 District Collector,
Tuticorin District,
Tuticorin.
- 2.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.
- 3.The Tahsildar,
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Kovilpatti,
Tuticorin District.
- 5.The Panchayat President,
Mela Eral Panchayat,
Ettayapuram Taluk,
Tuticorin District.

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-15750[F] dated 09/04/2021)

+1 CC to M/s.SPL GP (SR-15840[F] dated 15/04/2021)

W.P. (MD)No.3533 of 2021
and W.M.P. (MD)No.2860 of 2021
09.04.2021

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