



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10122 of 2021

and W.M.P(MD) No.7844 of 2021

K.Velu

...Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

3.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

4.The Block Development Officer,
Melaneelithanallur,
Sankarankovil Taluk,
Tenkasi District.

5.Kanakaraj

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1 to 4 respondents herein to remove the entry revenue document with respect to S.No.381/2, Keelanelithanallur Village, Sankarankovil Taluk, Tenkasi District as a Boosthuthy or pathway and restore the same in the petitioner's name by considering the petitioner's representation, dated 16.12.2020 and 02.06.2021 and pass appropriate order, within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For R-1 to R-3 : Mr.M.Lingadurai
Government Advocate (Civil)

For R-4 : Mr.S.Shanmugavel,
Government Advocate (Civil)



ORDER

This writ petition has been filed for the issuance of Writ of Mandamus directing the respondents to remove the entries made in the revenue records with respect to the subject property and to restore the revenue record in the name of the petitioner.

2.The case of the petitioner is that the subject property was purchased by him through a registered sale deed, dated 24.01.1985. It is also stated that a patta was granted in the name of the petitioner in patta No.2522. Thereafter, the petitioner has also dealt with certain portions of the property and he is enjoying the remaining portions and continuing to do agricultural activities.

3.The grievance of the petitioner is that the property was recorded as a Boosthuthy or a pathway in the revenue records without any basis. The petitioner, therefore, made a representation to the second respondent, on 16.12.2020, to remove this entry and to restore the revenue records in his name. It is further stated in the affidavit that the fifth respondent, who is behind the entire mischief, also filed writ petition before this Court in W.P.(MD). No.4350 of 2021, as if an encroachment has been made by the petitioner in the subject property and this writ petition came to be dismissed by an order, dated 03.03.2021. The petitioner has, therefore, approached this Court, seeking for a direction to the second respondent to dispose of his representation within the time stipulated by this Court.

4.Heard Mr.D.LNallathambi, learned counsel for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing on behalf of the respondents 1 to 3 and Mr.S.Shanmugavel, learned Government Advocate, appearing for the fourth respondent.

5.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 16.12.2020 and deal with the same on its own merits and in accordance with law by affording an opportunity to the petitioner and pass orders, within a period of eight weeks from the date of receipt of a copy of this order. The second respondent shall also issue notice to any other interested party before conducting enquiry and passing orders.

6.The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.



7.This writ petition is disposed of with the above directions.
No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

Note : In view of the present lock down
owing to COVID-19 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,
Tenkasi District, Tenkasi.
- 2.The Revenue Divisional Officer,
Sankarankovil, Tenkasi District.
- 3.The Tahsildar,
Sankarankovil Taluk, Tenkasi District.
- 4.The Block Development Officer,
Melaneelithanallur, Sankarankovil Taluk,
Tenkasi District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-19379[F] dated
16/06/2021)

+1 CC to M/s.SPL GP (SR-19534&19527[F] dated 17/06/2021)

W.P. (MD) .No.10122 of 2021
16.06.2021

nsm(CO)
TR(28.06.2021) 3P 7C