



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.18587 of 2021

K.Gandhi

... Petitioner

vs.

1.The Commissioner of Land Administration,
Government of Tamil Nadu Land Administration Department,
2nd Floor, Ezhilagam, Chepauk, Chennai - 600 005.

2.The District Collector,
Office of District Collector,
Sivagangai District, Sivagangai.

3.The District Revenue Officer,
Office of District Revenue Officer,
Sivagangai District, Sivagangai.

4.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

5.The Tahsildar,
Thirupathur Tahsildar Office,
Thirupathur Taluk, Sivagangai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to consider the assignment of lands in Survey No.17/1 an extent of 95 cents in Karenthelpatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District, in view of the Revenue Board Standing Order Rule RSO 21 and Revenue Policy 2001-2002 by considering the petitioner's representation, dated 27.08.2021 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.D.Gandhi Raj,
Special Government Pleader

O R D E R

The present Writ Petition is filed in the nature of Mandamus seeking a direction against the first respondent/Commissioner of Land Administration, Government of Tamil Nadu, Chennai, to consider the assignment of lands in Survey No.17/1 an extent of 95 cents in Karenthelpatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District, in view of the Revenue Board Standing Order Rule RSO 21 and Revenue Policy 2001-



2002, by considering the petitioner's representation, dated 27.08.2021.

2. Even though the relief sought has been worded with simple terms, the issue involved appears to be quite complicated. Originally, a Writ Petition in W.P.(MD)No.6571 of 2021 had been filed, wherein, the petitioner was shown as the fourth respondent and in that particular Writ Petition, which was allowed, a direction was given. The petitioner had been categorised as "encroacher", and a direction was issued to remove the encroachment.

3. The land in question is said to be Poramboke land. Pointing out this particular fact, Mr.D.Gandhiraj, learned Special Government Pleader insisted that unless all the litigations come to a finality, the first respondent can never be called upon to pass any order. It is also stated that an appeal is pending before the Collector.

4. In view of all these facts, a direction can be issued to the first respondent only when all litigations with respect to the nature of the land, nature of holding of the petitioner, status of the petitioner and the status of the Writ Petitioner in W.P.(MD) No.6571 of 2021 are declared by an appropriate forum by a lawful order. Only then, the authority can be ordered to consider the application of the petitioner. Therefore, without entering into any further discussion on merits, the Writ Petition is dismissed. However, after conclusion of all legal proceedings and judicial proceedings, the petitioner is given liberty to file fresh representation before the appropriate authority.

5. With the above observation, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cmr

To

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2nd Floor, Ezhilagam, Chepauk, Chennai - 600 005.



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5.The Tahsildar,
Thirupathur Tahsildar Office,
Thirupathur Taluk, Sivagangai District.

+1 CC to M/s.SPL.GP (SR-34114[F] dated 11/11/2021)

Order made in
W.P. (MD) No.18587 of 2021
10.11.2021

DKS (CO)
RS/SKN (19.11.2021) 3P 7C