



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2405 of 2022

Nallasamy

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur District,
Karur.

3.The Tahsildar,
Aravakurichi Taluk,
Karur District.

4.The Village Administrative Officer,
Punjaikalakurichi Village,
Aravakurichi Taluk,
Karur District.

5.Kaiyappa Gounder

6.Subarayan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2 to 4 respondents to rectify width of the pathway as "9 feet" instead of "23 feet" in the revenue records in S.F.No.135 situated at Punjaikalakurichi Village, Aravakurichi Taluk, Karur District on the basis of the representation given by the petitioner dated 11.10.2021.

For Petitioner : Mr.S.Gokulraj

For Respondents 1 to 4 : Mr.M.Lingadurai
Special Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the official respondents to rectify the width of the pathway as "9 feet" instead of "23 feet" in the revenue records in S.F.No.135 situated at Punjaikalakurichi Village, Aravakurichi



Taluk, Karur District on the basis of the representation given by the petitioner dated 11.10.2021.

2.The dispute in this writ petition pertains to a passage. According to the writ petitioner the official respondents are not entitled to expand the passage more than 9 feet. However according to the petitioner, the official respondents are now attempting to expand the passage to 23 feet. The petitioner also claims that a Civil Court decree is also in his favour with regard to the passage which has also been confirmed in first appeal in A.S.No.15 of 2002 by a judgment and decree of the District Court, Karur dated 12.08.2003. A representation dated 11.10.2021 has been given by the petitioner to the official respondents with regard to his grievance. Since the representation has not been considered till date and an apprehension has been made out by the petitioner that the respondents are trying to expand the passage to 23 feet instead of restricting the same to 9 feet, the petitioner has filed this writ petition.

3.Heard Mr.S.Gokulraj, learned Counsel for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader who accepted notice on behalf of respondents 1 to 4.

4.On instructions, learned Special Government Pleader for the official respondents would submit that the petitioner's wife has earlier given a representation with regard to the same grievance which was rejected by the order of the second respondent on 30.09.2021.

5.Learned Counsel for the writ petitioner on instructions would submit that the said order has not been received by the petitioner or his wife and both of them are not aware of the same.

6.Learned Special Government Pleader appearing for the official respondents would submit that the official respondents are willing to once again send a copy of the order dated 30.09.2021 passed by the second respondent to the petitioner and his wife. The said statement is recorded. He would also submit that the petitioner will have to challenge the said order dated 30.09.2021 since the representation of the writ petitioner's wife has already been rejected.

7.Learned Counsel for the petitioner submitted that the writ petitioner is willing to challenge the said order provided the order is received by the petitioner and his wife.

8.Recording the submissions made by the respective Counsels, this Court passes the following order:



'The second respondent shall send a copy of the order dated 30.09.2021 under which the representation of the writ petitioner's wife with regard to the subject passage was rejected to the petitioner as well as his wife within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the same the petitioner or his wife is granted liberty to challenge the said order passed by the second respondent within a period of one [1] week thereafter.'

9.With the aforesaid direction, the writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

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,
Karur District,
Karur.
- 2.The District Revenue Officer,
Karur District,
Karur.
- 3.The Tahsildar,
Aravakurichi Taluk,
Karur District.
- 4.The Village Administrative Officer,
Punjaikalakurichi Village,
Aravakurichi Taluk,
Karur District.



+1 CC to M/s.SPL GP (SR-4761[F] dated 08/02/2022)

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-4684[F] dated 08/02/2022)

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