



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD) No.4730 of 2022

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Velusamy

.. Petitioner

Vs

- 1.The District Collector,
Tenkasi,
Tenkasi District.
- 2.The District Revenue Officer,
Tenkasi,
Tenkasi District.
- 3.The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.
- 4.The Special Tahsildar,
Adi Dravidar Welfare Department,
Tenkasi, Tenkasi District.
- 5.Thamilmani

.. Respondents

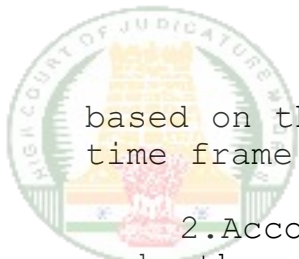
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation, dated 20.12.2021 and also to take necessary action.

For Petitioner : Mr.J.Jeyakumaran,

For Respondents : Mr.T.Amjad Khan for R1 to R4
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to consider the petitioner's representation, dated 20.12.2021, requesting the respondents 1 to 4 to take action against the fifth respondent and the adjacent land owners, whom the petitioner claims that they are disturbing the peaceful possession and enjoyment of the petitioner's property,



based on the petitioner's representation, dated 20.12.2021, within a time frame to be fixed by this Court.

2. According to the petitioner, in the year 1985, the petitioner and other members belong to Adi Dravidar community, were allotted house sites in the layout and subsequently, they have also put up construction in the respective plots measuring approximately 3 cents each. After having put up construction and after being entitled to use of the common pathway in the layout, the fifth respondent has now threatened the petitioner and other members using the pathway that the said pathway will have to be given to the neighbouring land owners. According to the petitioner, being the absolute owner of the plots mentioned in the layout, the members of the said layout are alone entitled for usage of pathway. According to the petitioner, at the behest of the land owners, the fifth respondent has threatened the petitioner and other members not to use the pathway. The petitioner has given a representation on 20.12.2021, requesting the respondents 1 to 4 to take action against the fifth respondent as well as persons who have instigated the fifth respondent against the petitioner and other members. Since the representation of the petitioner has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr. J. Jeyakumaran, learned counsel appearing for the petitioner and Mr. T. Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 4.

4. The petitioner has filed the patta standing in his name for the subject property owned by him. The said patta was issued in the year 1985. The copy of the approved layout has also been filed along with the writ petition. The petitioner claims to be as Adi Dravidar and the plots in the said layout have been allotted only to Adi Dravidars. Even though the learned Government Advocate appearing for the respondents would submit on instructions that neighbouring land owners are also Adi Dravidars and also beneficiaries under the very same scheme under which pattas were issued, this Court, is of the considered view that no prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the fifth respondent as well as other beneficiaries of the very same scheme, which includes neighbouring land owners.

5. Accordingly, this Court directs the fourth respondent to consider the petitioner's representation, dated 20.12.2021, requesting the fourth respondent to take action against the fifth respondent and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the fourth respondent deems fit to enquire including the fifth respondent, within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2022

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,
Tenkasi District.
2. The District Revenue Officer,
Tenkasi,
Tenkasi District.
3. The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.
4. The Special Tahsildar,
Adi Dravidar Welfare Department,
Tenkasi, Tenkasi District.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-12929[F] dated 18/03/2022)

+1 CC to M/s.SPL GP (SR-12996[F] dated 18/03/2022)

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RD(28.03.2022) 3P 7C