



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.6702 of 2022

N.Ganesan

... Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai,
- 2.The District Revenue Officer,
Madurai District, Madurai.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Melur, Madurai District.
- 4.The Tahsildar,
Taluk Office,
Melur, Madurai District.
- 5.Sivaranjani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to take necessary action to cancel the fourth respondent's proceedings in Na.Ka.No.1526/22/C2 dated 10.03.2022 and pass appropriate orders based on the petitioner's representation dated 29.03.2022.

For Petitioner : Mr.S.A.Ajmalkhan

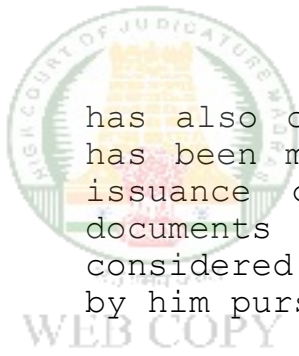
For R-1 to R-4 : Mr.M.Lingadurai
Special Government Pleader

O R D E R

This writ petition has been filed challenging the proceedings of the fourth respondent dated 10.03.2022 under which the subject land has been classified as a pathway.

2. According to the petitioner, erroneously under the impugned order, his land has been classified as a pathway. Even though the proceedings dated 10.03.2022 passed by the fourth respondent has been challenged in this writ petition, the learned counsel for the petitioner, on instructions, submits that the petitioner will be satisfied if the third respondent considers the petitioner's representation dated 29.03.2022 seeking for re-classification of the land on merits and in accordance with law.

3. The petitioner has filed documents along with this writ petition including house tax receipts standing in his name. According to the petitioner, he is the owner of the property and he



has also constructed a house therein for which his tax assessment has been made. It is also his case that he has also applied for issuance of patta for the subject property in his name. The documents filed along with the writ petition will have to be considered by the third respondent in his final order to be passed by him pursuant to the directions given by this Court today.

4. No prejudice would be caused to the respondents, if the petitioner's representation dated 29.03.2022 is considered on merits and in accordance with law after affording a fair hearing to the petitioner, the fifth respondent and any other necessary party whom the third respondent deems it fit to enquire.

5. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 29.03.2022 seeking for re-classification of the land as a natham land in respect of the property comprised in Natham Survey Nos.280/8 and 280/1 at Poonsuthi Village, Melur Takuk, Madurai District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the fifth respondent and any other necessary party including granting them the right of personal hearing within a period of three (3) months from the date of receipt of a copy of this order. The petitioner is permitted to produce all necessary documents in respect of his case before the third respondent. The third respondent shall consider the same on merits and in accordance with law.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

tsg

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,
Madurai District, Madurai,



2.The District Revenue Officer,
Madurai District, Madurai.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Melur, Madurai District.

4.The Tahsildar,
Taluk Office,
Melur, Madurai District.

+1 CC to M/s.SPL.GP. (SR-18144[F] dated 12/04/2022)

+1 CC to M/s.S.A. AJMAL KHAN, Advocate (SR-18254[F] dated
12/04/2022)

W.P. [MD]No.6702 of 2022

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