



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.6984 of 2022

T.Ganapathy

... Petitioner

Vs.

1.The District Collector,
Collectorate, Tenkasi.

2.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

3.The Block Development Officer,
Tenkasi Panchayat Union,
Tenkasi Taluk, Tenkasi District.

4.The Secretary,
Pattappathu Panchayat Union,
Tenkasi Taluk, Tenkasi District.

5.The Village Administrative Officer,
Pattappathu Village,
Tenkasi Taluk, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 24.08.2021.

For Petitioner	: Mr.P.Thiyagarajan
For Respondents 1,2 & 5	: Mr.D.Sasikumar Additional Government Pleader
For Respondents 3 & 4	: Mr.P.T.Thiraviyam

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 24.08.2021, requesting the respondents to remove the board placed on the petitioner's property and pass final orders within a time frame to be fixed by this Court.

2.The case of the petitioner is that the patta for the property comprised in Survey Nos.205/2, 206 and 207 of Pattappathu Village, Tenkasi, stands in the name of the petitioner. According to him from time immemorial, the petitioner and his ancestors have been in possession of the said property. According to him, all of a sudden, cancellation of patta proceedings has been initiated at the instance of a private individual which is pending on the file of the second



respondent. According to the petitioner, he has also participated in the enquiry proceedings but no final orders have been passed till date.

3.However, according to the petitioner, even though no final orders have been passed by the second respondent, the third respondent has put up a board inside the petitioner's property. The petitioner has given a representation on 24.08.2021, requesting the third respondent to remove the board put up by the third respondent. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

4.Heard Mr.P.Thiyagarajan, learned Counsel appearing for the writ petitioner, Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1, 2 & 5 and Mr.P.T.Thiraviyam, learned Counsel who accepts notice on behalf of respondents 3 and 4.

5.On instructions, learned Additional Government Pleader would submit that the subject property does not belong to the petitioner.

6.However, this Court is of the considered view that since patta was earlier standing in the name of the petitioner, no prejudice would be caused to the respondents if the petitioner's representation dated 24.08.2021, seeking for removal of the board put up by the third respondent in his property is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the third and fourth respondents.

7.Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 24.08.2021, requesting the third respondent to remove the board put up in his property comprised in Survey No.206 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the third and fourth respondents within a period of twelve [12] weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The District Collector,
Collectorate,
Tenkasi.

2.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

3.The Block Development Officer,
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Tenkasi Taluk,
Tenkasi District.

4.The Secretary,
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Tenkasi District.

5.The Village Administrative Officer,
Pattappathu Village,
Tenkasi Taluk,
Tenkasi District.

+1 CC to M/s.P.THIYAGARAJAN, Advocate (SR-18780[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18949[F] dated 18/04/2022)

ORDER MADE IN
W.P. [MD]No.6984 of 2022
13.04.2022

RS (11.05.2022) 3P-8C