



W.P.(MD) No.25200 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.25200 of 2022

1.T.Arunagiri Rajan

2.T.Baskaran

... Petitioners

-Vs-

1.The Secretary to Government,
Revenue Department,
Fort St.George, Chennai.

2.The Special Commissioner,
Land Administration,
Ezhilaagam, Chepak, Chennai.

3.The Collector,
Madurai District, Madurai.

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4.The Superintending Engineer,
National Highways,
No.5, Besant Road, Chinna Chokkikulam,
Madurai-625 002.

5.The Revenue Divisional Officer,
Usilampatti, Madurai District.

6.The Commissioner,
Usilampatti Municipality,
Usilampatti, Madurai District.

7.The Tahsildar,
Taluk Office, Usilampatti,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioners herein dated 12.10.2022 in the light of the judgment made in O.S.No.110/1929, dated 31.03.1933 on the file of the Sub Court, Madurai which was confirmed by judgment in A.S.No.96/1933, dated 16.07.1936 on the file of the learned District Judge, Madurai.

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For Petitioners : Mr.M.Thirunavukkarasu
For R1 to R3 : Mr.G.V.Vairam Santhosh,
R5 & R7 Additional Government Pleader
For R4 : Mr.Arul Vadivel @ Sekar

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of Writ of Mandamus, to direct the respondents to consider the representation of the petitioners dated 12.10.2022, in the light of the judgment dated 31.03.1933 made in O.S.No.110 of 1929, on the file of the Sub Court, Madurai, which was confirmed by judgment dated 16.07.1936 made in A.S.No.96 of 1933, on the file of the learned District Judge, Madurai, within a time frame.

2.According to the petitioners, they are the owners of the properties in T.S.Nos.14/88 and 14/89 (R.S.No.240/3 and S.No.235) measuring to an extent of 3,503 sq.ft. Since the Revenue Department and State Highways Department claimed that the lands in question were classified as road poramboke, the

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predecessors of the petitioners filed O.S.No.110 of 1929 before the Sub-Court, Madurai, seeking declaration of title and injunction or in the alternative for recovery of possession in respect of the lands in question. The trial Court, by judgment and decree dated 31.03.1933 held that the lands in question are neither road poramboke nor Government land, whereas, it is a private land. The said judgment and decree same was challenged by the defendants in A.S.No.96 of 1933 on the file of the District Court, Madurai and the said appeal was dismissed by judgment and decree dated 16.07.1936, confirming the judgment and decree of the trial Court. However, the respondents are threatening the petitioners to vacate the lands in question. Hence, the petitioners made a joint representation dated 12.10.2022 to the respondents to stop the threatening or evicting them from the lands in question. Finding inaction on the part of the respondents, the petitioners are before this Court.

3.The learned Additional Government Pleader for the respondents 1 to 3, 5 and 7, on instructions, submitted that the representation of the petitioners dated 12.10.2022 is forwarded by the 3rd respondent, vide proceedings in



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O.Mu.No.271365/2022/J3, dated 07.11.2022 to the 7th respondent for consideration and necessary order would be passed by the 7th respondent on merits and in accordance with law, within a time frame, for which, the learned counsel for the petitioners is agreeable.

4.In view of the above, without going into the merits of the case, we direct the 7th respondent to consider the representation of the petitioners dated 12.10.2022 and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

Myr

To

- 1.The Secretary to Government,
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