



W.P.(MD).No.26850 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26850 of 2022

K.Vellaichamy

... Petitioner

vs.

1.The District Collector,
Collectorate,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

4.The Block Development Officer,
Kalliyarkovil Taluk,
Sivagangai District.

5.Gajendran

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second



W.P.(MD).No.26850 of 2022

respondent to provide an opportunity of hearing to the petitioner and to consider his objection in respect of the proceedings initiated by the second respondent in Na.Ka.A4/4972/2022 before passing the final order.

For Petitioner	: Mr.N.Jeyaram Sidharth
For R1 to R3	: Mr.C.Satheesh Government Advocate
For R4	: Mr.B.Saravanan Additional Government Pleader
For R5	: Mr.M.Ramu

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to provide an opportunity of hearing to the petitioner and to consider his objection in respect of the proceedings initiated by the second respondent in Na.Ka.A4/4972/2022 before passing the final order.



W.P.(MD).No.26850 of 2022

WEB COPY

2. The case of the petitioner is that he is residing at Surakkulam Village, Sivagangai District and doing farming in his village. The fifth respondent has swindled the Government land in S.Nos.75/1, 2, 3, 7, 76/1, 2, 4, 5, 6 and 7 in Mangadenthal Village. Most of the survey numbers are classified as water channels as well as Oorani. In order to support the fifth respondent, the third respondent had recommended to the second respondent to change the classification Orani to Nanjai in Patta No.701. Against which, the petitioner has filed an objection before the second respondent on 22.08.2022, to take action against the fifth respondent. But the second respondent has not taken any action. Hence, the petitioner and two other persons viz., Meenakshi and Murugan has filed a suit in O.S.No.154 of 2022 before the District Munsif Court, Sivagangai and the same was contested by the fifth respondent by filing counter and the same is still pending.

3. Suppressing the same, the fifth respondent has filed a writ petition in W.P.(MD).No.24164 of 2022 before this Court. This Court



W.P.(MD).No.26850 of 2022

WEB COPY

directed the second respondent to complete the proceedings in Na.Ka.A4/4972/2022 only in respect of S.No.75/1, situated at Mangattendal Villae, Kalayarkovil Taluk, Sivagangai District, based on his representation, dated 29.04.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned within a period of 12 weeks. Once again, he has made an objection before the second respondent and the same was not accepted. Hence, he sent an objection along with relevant documents through post to the respondents on 22.01.2022. It is just and necessary to consider his objection before passing the final order in respect of the proceedings in Na.Ka.No.A4/4972/2022. Therefore, the petitioner has filed the present writ petition.

4. Heard the learned counsel for the petitioner, learned Government Advocate appearing for the respondents 1 to 3, learned Additional Government Pleader appearing for the fourth respondent and the learned counsel appearing for the fifth respondent.



W.P.(MD).No.26850 of 2022

WEB COPY

5. Considering the above facts, this Court directs the second respondent to consider the petitioner's objection in respect of the proceedings in Na.Ka.A4/4972/2022, in the enquiry proceedings, after affording an opportunity of hearing to the petitioner as well as the fifth respondent and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

29.11.2022

Index:Yes/No
Internet:Yes/No

akv

To

1.The District Collector,
Collectorate,
Sivagangai District,
Sivagangai.

5/7



W.P.(MD).No.26850 of 2022

WEB COPY

- 2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
- 3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.
- 4.The Block Development Officer,
Kalliyarkovil Taluk,
Sivagangai District.



WEB COPY



W.P.(MD).No.26850 of 2022

V.BHAVANI SUBBAROYAN,J.

akv

W.P.(MD)No.26850 of 2022

29.11.2022