



W.P(MD).No. 23339 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.23339 of 2016
and
W.M.P(MD) No.16770 of 2016

Jayaraman

..... Petitioner

- Vs-

1. The District Collector,
Trichy District, Trichy.
2. The Revenue Divisional Officer,
Musiri, Trichy District,
Trichy.
3. The Tahsildar,
Ellurpatti Village,
Thottiyam Taluk,
Trichy District,
Trichy.

4.Ragupathy

... Respondents

(R-4 is impleaded vide order of this
Court dated 02.02.2023 in W.M.P
(MD) No.4050 of 2018 in W.P(MD)
No.23339 of 2016)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent made in ஓ.மு.4142/16 (அ1), dated 20.10.2016 and quash the same and consequently direct the second respondent to decide the petition dated 25.10.2016 in accordance with the law by considering the documents.

For Petitioner : Mr.K.Govindarajan

For Respondents : Mr.M.Prakash
Additional Government Pleader
For R1 to R3

: No appearance For - R4

ORDER

This Writ Petition has been filed seeking to quash the proceedings of the second respondent made in ஓ.மு.4142/16 (அ1), dated 20.10.2016 and consequently, direct the second respondent to decide the petition, dated 25.10.2016 in accordance with the law by considering the documents.

2. The learned counsel for the petitioner would submit that the lands have been wrongly classified during the natham survey and settlement



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proceedings as the lane. The same is contrary to the available records. He has been in possession of the land and also put up construction. Hence, he has approached the various authorities, finally approached the second respondent herein. But however, the second respondent vide his communication, dated 20.10.2016 which had been received by the petitioner only in November 2016, forwarded the complaint to the third respondent herein to enquire into the issue and intimate the petitioner. According to the learned counsel for the petitioner, such procedure adopted by the second respondent is not correct. Hence, he had challenged the said communication.

3. Countering the arguments, the learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that one Ragupathy had filed a writ petition in W.P(MD) No.8950 of 2020 seeking for issuance of a writ of Mandamus, directing the respondents to survey the property in S.No.790/10. Based upon his representation, dated 03.07.2020. the said writ petition has been disposed of, with the direction to the said Ragupathy, to make an on-line application before the first respondent within a period of one week from the date of receipt of a copy of the order.



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Thereafter, the said Ragupathy had not made any on-line application. He would also further submit that what has been directed in the impugned order is that the third respondent was directed to take action and intimate the petitioner and there is no infirmity in the order impugned in the writ petition.

4. I have considered the rival submissions made by the learned counsel appearing on either side.

5. The petitioner had made a representation to the second respondent on 25.10.2016 and the same seems to have been forwarded by the second respondent to the third respondent on 20.10.2016. There seems to have been error in the date of communication. The petitioner had made an representation, dated 25.10.2016. The second respondent would not have forwarded on 20.10.2016.

6. Be that as it may, since representation has been made to the second respondent to consider the case of the petitioner, the second respondent shall, after obtaining report from the third respondent, and after affording an



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opportunity to the petitioner and the fourth respondent, pass orders on merits and in accordance with law with in a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above said direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

02.02.2023

NCC: Yes / No

(2/2)

Index : Yes / No

Internet : Yes / No

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To

1. The District Collector,
Trichy District, Trichy.
2. The Revenue Divisional Officer,
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Trichy.
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Ellurpatti Village,
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K.KUMARESH BABU, J.

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Order made in
W.P(MD)No.23339 of 2016

02.02.2023
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