



WP(MD)No.2412 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.2412 of 2016
and
WMP(MD)No.2156 of 2016

K.Thangavelu

... Petitioner

v.

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
O/o. the Tahsildar,
Kalaiyarkoil,
Sivagangai District.
- 4.The Village Administrative Officer,
Kolanthi Group,
Melasethur Post,
Kalaiyarkoil Taluk,
Sivagangai District.



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5. The Block Development Officer / Commissioner,
Kalaiyarkoil Panchayat Union,
Kalaiyarkoil,
Sivagangai District.

6. The President,
Maranthai Village Panchayat,
at Sethur, Kalaiyarkoil Taluk,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 14.08.2015 and consequently forbearing the respondents from interfering with the peaceful possession and enjoyment of the land in S.No.123/16 situated at Kolanthi Village, Kalaiyarkoil Taluk, Sivagangai District and not to survey the above land till the disposal of the appeal pending on the file of the Revenue Divisional Officer, Sivagangai District.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.J.K.Jeyaseelan,
Government Advocate
for R.1 to R.5

No appearance for R.6

ORDER

The petitioner has filed this writ petition seeking a mandamus directing the respondents to consider his representation dated 14.08.2015 and



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consequently, to forbear the respondents from interfering with the peaceful possession and enjoyment of the land situated in S.No.123/16, Kolathi Village, Kalayarkoil Taluk, Sivagangai District.

2.The grievance of the petitioner is that the land in S.No.123/16 has wrongly been classified as a pathway during the UDR Survey and therefore, he has preferred an appeal before the second respondent / District Revenue Officer in Ref.No.A2/2543/2015. The same is still pending without any progress and therefore, he has moved this writ petition.

3.Considering the above, this Court has directed the learned Additional Government Pleader to ascertain the stage of the appeal preferred by the petitioner and to file a report.

4.When the matter came up for hearing today, it is represented by the petitioner's Counsel that he has received summons dated 23.02.2023 for the enquiry in respect of the appeal proceedings.



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5. It appears that the respondents have not preferred to file a report as to the status of the appeal, as directed by this Court, however, has come forward to issue the summons. It is very unfortunate that an appeal is kept pending for the past eight years without any progress and only after a query posed by this Court, steps are being taken. Be that as it may, since the file has now been taken, this Court expects that the appeal proceedings in Ref.No.A2/2543/2015 is decided on its merits and in accordance with law, as early as possible, preferably within a period of three months from the date of receipt of a copy of this order.

With the above observations and directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
gk

27.02.2023



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B.PUGALENDHI, J.

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