



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.02.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.2506 of 2024
& WMP.No.2745 of 2024

Ravi

... Petitioner

Vs

1.The District Collector

Office of the District Collectorate,
Dharmapuri-05.

2.The Executive Officer

Office of the Pennagaram Municipality,
Pennagaram Dharmapuri District.

3.The Thasildhar

Office of the Thasildhar,
Pennagaram, Dharmapuri district.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents to dig the canal in the petitioner's Agricultural land comprised in Survey Nos.730, 731 measuring to an extents of 0.28 Cents, 0.98 Acres, and 0.44 Acres situated at Pennagaram Revenue Village, Pennagaram Taluk, Dharmapuri District, as illegal, arbitrary, contrary to law in view of the petitioner's representation dated 06.01.2024.

For Petitioner : Mr.S.Arivazhagan



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For Respondents : Mr.G.Velu (R1 and R3)
Additional Government Pleader
Mr.S.John J.Raja Singh (R2)
Additional Government Pleader

ORDER

Mr.G.Velu, learned Additional Government Pleader accepts notice for R1 and R3, being the District Collector and Tahsildar, respectively and Mr.S.John J.Raja Singh, learned Additional Government Pleader accepts notice for R2, being the Executive Officer of the Pennagaram Municipality. They are armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner claims to be the owner of agricultural lands in Survey Nos.730, 731 ad measuring 0.28 Cents, 0.98 Acres, and 0.44 Acres at Pennagaram Revenue Village, Pennagaram Taluk, Dharmapuri District ('lands/'lands in question').

3. There are some averments in the writ affidavit as to how the petitioner claims ownership of the aforesaid lands which cannot be gone into in the Writ Petition, as they constitute factual particulars and are best left to the respondents to look into and decide.

4. The petitioner claims to be doing cultivation in the lands in question. While so, there have been steps by R2 to dig a canal on the land. Despite objections, the petitioner states that the respondents are proceeding with the



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digging which leads to great prejudice. He also apprehends that he may lose the ownership and possession of the lands altogether.

5. Setting out the aforesaid grievance, the petitioner has made a representation to the District Collector, Dharmapuri/R1 on 06.01.2024, which has, till date, not found favour of consideration. Hence this Writ Petition.

6. Mr.Singh would state that R2 is the competent authority to decide the grievance of the petitioner.

7. Since the representation of the petitioner has been sent only to R1 (no acknowledgement of receipt even to R1 is placed on file), it would suffice to permit the petitioner to make a fresh representation to R2 for his consideration. For this purpose, the petitioner may appear before R2 on any day between 07.02.2024 and 14.02.2024 between 10.30 am. and 5.30. p.m. along with a representation addressed to R2.

8. R2 shall, upon receipt of the representation as above, grant him audience, hear him, consider the representation, seek, if necessary, any other particulars including evidences to substantiate his ownership and possession of the lands in question

Dr.ANITA SUMANTH,J.

and take a view on the grievances expressed by the petitioner, in accordance with law, within a period of two (2) weeks from date of hearing the petitioner.



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9. For a period of three (3) weeks from today or till the disposal of the representation within the time stipulated aforesaid, let matters not be precipitated by the respondents.

10. This Writ Petition is disposed in the aforesaid terms. No costs. Connected Miscellaneous Petition is closed.

06.02.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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