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W.P.No.17445 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17445 of 2024

and

W.M.P.No.19232 of 2024

J.Balamohanraj

... Petitioner

Vs.

1.The District Collector,
Theeran Chinnamalai Maligai,
1st Floor, No.473, Sampath Nagar,
Perundurai Road, Erode Collectorate,
Erode – 638 011.

2.The Revenue District Officer,
Erode.

3.The Revenue Thasildar,
Revenue Thasildar Office,
Erode – 1.

4.The Director,
Town and Country Planning,
807, Anna Salai,
Chennai – 600 002.

5.The Commissioner,
Panchayat Union Office,
69, Sh 84a, Nanjaiuthukuli,
Modakuruchi, Erode – 638 115.



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6.The Sub Registrar,
44/32, Kaangaiyam Road,
Avalpundurai,
Erode – 638 115.

7.The Regional Transport Officer,
Regional Transport Office (West),
Erode.

8.The Commissioner,
The Social Welfare (Juvenile) Department,
Moolapalayam, Erode.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to consider the representation given to the first respondent dated 04.11.2019 to restore the approved DTCP pathway belongs to the petitioner.

For Petitioner	: Mr.K.S.Jeyaganeshan
For Respondents	:
For R1 to R3	: Mr.P.Gurunathan Additional Government Pleader
For R4, R5, R7 and R8	: Mr.A.M.Ayyadurai Government Advocate
For R6	: Mr.P.Anandakumar Government Advocate

ORDER

This Writ Petition has been filed by the petitioner seeking for issuance of a Mandamus, to direct the first respondent to consider the representation given to the first respondent dated 04.11.2019 to restore the approved DTCP pathway



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belongs to the petitioner.

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2. The case of the petitioner is that the petitioner was working in the Postal Department and retired as Postmaster on 31.07.2018. The petitioner has purchased a site in Postal Nagar on the backside of the RTO (West) with a layout of 57 plots with DTCP approval out of his hard-earned money. The petitioner had purchased the site in S.No.50 vide Sale Deed No.2869 of 2008 registered at the Sub-Registrar Office, Avalpundurai, Erode District.

3. According to the petitioner, a Clearance Certificate dated 03.07.1991 has been issued by the fifth respondent and the third respondent had also certified that S.F.Nos.151/2 and 150/2 in Nanjai Uthukuli Village, Erode belonged to S.S.Velumani and his brothers and the said land is not a poramboke land and also that no land acquisition proceedings were pending in respect of the said land. However, the fifth respondent after approval of the DTCP dated 11.09.1991, demanded the original owners of R.S.Nos.150/2 and 150/1 and 2 namely S.S.Velumani and others to execute the Gift Settlement Deed and hand over the physical possession of the sites reserved for 30 feet, 23 feet roads, parks and 30 feet 140 feet approach the east-west road and also directed to remit the approval charges of Rs.3,255/-.



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4. The grievance of the petitioner is that no notice has been served upon him or on his vendors before resorting to reclassification of the Patta land and the second and third respondents have reclassified and sub-divided the land in R.S.Nos.151/1, 151/2 as 151/1 and 152/2A and 152/2B.

5. According to the petitioner, the first to third respondents with an intention to construct an office for the seventh respondent and a home for the eighth respondent, had unilaterally converted the Patta land in R.S.Nos.150/2, 150/1 and 151/2 belonging to the petitioner into Government poramboke land without any notice to him or his vendors and thereby, the first to third respondents have made illegal reclassification and conversion of the land. Therefore, the petitioner has made a representation to the respondents on 04.11.2019, requesting to take appropriate action to restore the approved DTCP pathway belongs to the petitioner. However, since the respondents have not taken any action, the petitioner has come forward with the present writ petition.

6. Learned Additional Government Pleader for the first, second and third respondents would submit that the petitioner's representation is dated



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04.11.2019 and we are in the year 2024. If the petitioner approach the authorities by filing a fresh representation, the same will be considered by them and they will pass appropriate orders on the said representation.

7. It appears that the petitioner aggrieved by the reclassification of land without serving a notice upon him and his vendors and seeking to restore the approved DTCP pathway belongs to the petitioner. He made the representation on 04.11.2019, which is still pending as on date.

8. Without expressing any opinion on merits of the case, this Court directs the first respondent to consider the fresh representation which will be filed by the petitioner within a period of three weeks from the date of receipt of a copy of this order and dispose the same within a period of twelve weeks thereafter.

9. This Writ Petition is disposed of with the above observations and directions. No costs. Connected Writ Miscellaneous Petition is closed.



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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To

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V.BHAVANI SUBBAROYAN, J.

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