



W.P(MD)No.7262 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7262 of 2024
and
W.M.P(MD)No.6706 of 2024

R.Lakshmanan

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.
- 3.The Block Development Officer,
Vaadikkottai Panchayat,
Tenkasi District.
- 4.The Panchayat President,
Vaadikkottai Panchayat,
Sankarankovil Taluk,
Tenkasi District.



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5. The District Revenue Officer,
Tenkasi District.

*(R.5 is suo motu impleaded vide
order of this Court dated 22.03.2024)*

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents or their men not to put up any construction or any activity in Survey No.80/3 measuring 0.11.50 Ares situated in Vaadikkottai Village, Sankarankovil Taluk, Tenkasi District and consequently take action on the petitioner's representation dated 05.03.2024 within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.G.Gandhiraj
Special Government Pleader
for R.1, R.2 & R.5

Mr.M.Sarangan
Additional Government Pleader
for R.3 & R.4

ORDER

Heard both sides.

2. The case of the petitioner is that the respondents should not be allowed to put up any construction or lay drainage in the petition



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mentioned land in Survey No.80/3 in Vadokottai Village. Copy of the patta has been enclosed in the typed set of papers. It is in the name of the petitioner's grandfather, Kulalamani Thevar.

3. The learned Special Government Pleader on instructions states that Survey No.80/3 stood in the name of Muthu Thevar and that some mistake has apparently crept in during UDR. The officials also inform the Court that the construction of drainage is half way through and that on account of the blockade by the petitioner, public interest would definitely suffer.

4. Taking into account the special facts and circumstances of this case, this writ petition is disposed of in the following terms:

a) The fourth respondent shall file petition before the District Revenue Officer, Tenkasi putting forth their case.

b) The fourth respondent can contend before the District Revenue Officer, Tenkasi that Survey No.80/3 belonged to Muthu Thevar and not to the petitioner's family.



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c) Copy of the petition will be served on the learned counsel appearing for the petitioner either through e-mail or Whatsapp.

d) Enquiry shall be held in the office of the District Revenue Officer, Tenkasi on **26.03.2024 at 04.00 p.m.** If the District Revenue Officer, Tenkasi is otherwise engaged in election work, after the election related works are completed, the enquiry can be taken up. It is the duty of the petitioner to be present in the office of the District Revenue Officer, Tenkasi and extend his co-operation for concluding the enquiry.

e) Final order on merits shall be passed by the District Revenue Officer, Tenkasi within a period of two days thereafter. The revenue authorities are directed to make available all the relevant revenue records. If the District Revenue Officer, Tenkasi confirms the patta in favour of the petitioner's family, further construction work will not be laid. If the local body still want to go ahead with the construction or laying the drainage, they will have to follow the due process of law. In other words, the land can be acquired on payment of compensation to the petitioner's family. If the District Revenue Officer, Tenkasi comes to the conclusion that there was an UDR error and cancels the patta standing in the name of the petitioner's family, then construction work can



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immediately go on. In other words, whether to proceed in the matter or not will depend upon the order to be passed by the District Revenue Officer, Tenkasi. I make it clear that I have not gone into the merits of the matter.

5. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 22.03.2024.

To

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

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3.The Block Development Officer,
Vaadikkottai Panchayat,
Tenkasi District.

4.The Panchayat President,
Vaadikkottai Panchayat,
Sankarankovil Taluk,
Tenkasi District.

5.The District Revenue Officer,
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G.R.SWAMINATHAN, J.

MGA

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22.03.2024