



W.P.(MD)No.15031 of 2023 ..

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2024

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.15031 of 2023

R.Subbaraja

... Petitioner

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Assistant Director of Survey and Land Records,
O/o. The Assistant Director of Survey and Land Records,
Thoothukudi,
Thoothukudi District.

3.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

4.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti,
Thoothukudi District.

5.The Inam Maniyachi Panchayat,
Rep. by its Panchayat President,
Inam Maniyachi,
Kovilpatti,
Thoothukudi District.

6.Dr.Nirmala

7.Lakshmi Narayanan

...Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to dispose of the appeal, dated 16.12.2022 filed under G.O.Ms.No.540 Revenue (LD6(2)) Department, dated 04.12.20214.

For Petitioner : Mr.S.Rajasekar
M/s.Lajapathi Roy and Associates

For R1 to R4 : Mr.M.Muthumanikkam
Government Advocate

For R6 & R7 : Mr.M.Sridharan

ORDER

The writ petition has been filed for for a direction to the third respondent to dispose of the appeal, dated 16.12.2022 filed under G.O.Ms.No.540, Revenue (LD6(2)) Department, dated 04.12.20214.

2. With the consent of both parties, the writ petition is taken up for final disposal.

3. The petitioner and the sixth respondent donated lands for the purpose of laying 17 feet concrete road by the fifth respondent. The respondents 6 and 7 encroached upon the common pathway to an extent of 2 feet. Thereafter, the petitioner and his neighbours submitted several representations to the officials



to restore the original pathway of 17 feet, but the same was not considered.

While so, the respondents 6 and 7 fenced the common pathway preventing access to the drinking water pipe laid by the Inam Maniyachi Panchayat. The petitioner filed a writ petition in W.P(MD)Nos.17396 of 2019 etc., batch. This Court vide order, dated 16.07.2021, directed the petitioner to submit a detailed representation to the fourth respondent therein and on receipt of the said representation, the fourth respondent was directed to issue notice to the petitioners, as well as the private respondents therein. The fourth respondent was also directed to collect fee, fix the date for survey, and if, any encroachment was found, to take action, in accordance with law. It was further directed that in case no encroachment was found, then a speaking order ought to be passed and decision should be communicated to the petitioner. In pursuance of the aforesaid order of this Court, the fourth respondent passed the order on 11.08.2022, recording that there was no encroachment. Aggrieved by the aforesaid order of the fourth respondent, the petitioner preferred an appeal to the third respondent, on 16.12.2022. As no action was taken on the petitioner's appeal, the petitioner submitted a representation to the third respondent on 20.04.2023. Even thereafter, no action was taken hence the petitioner filed the above writ petition for the aforesaid relief.



4. It is seen that the petitioner's appeal, dated 16.10.2022, is kept pending for almost two years without any concrete action being taken. I am therefore inclined to direct the third respondent to dispose of the petitioner's appeal, dated 16.12.2022, in terms of G.O.Ms.540 Revenue (LD6(2)) Department, dated 04.12.2014 on merits and in accordance with law, within a period of 12 weeks, from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of with the above direction. No costs.

09.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

- 1.The Regional Deputy Director,
Land Surveyor and Records Department,
O/o.District Collector Complex,
Madurai District.
- 2.The Assistant Director,
Land Surveyor and Records Department,
O/o.District Collector Complex,
Madurai District.



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3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

4.The Taluk Surveyor,
Peraiyur Taluk,
Madurai District.



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N.MALA, J.

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