



W.P.(MD).No.22392 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

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G.S.S.Masilamani

... Petitioner

Vs.

- 1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk,
Chennai.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli
- 3.The District Revenue Authority,
Tirunelveli District,
Tirunelveli.
- 4.The Revenue Divisional Officer,
Cheranmahadevi Taluk,
Cheranmahadevi,
Tirunelveli District.
- 5.The Tahsildar,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.
- 6.Murugan



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7.Essaki

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 2 to 5 respondents to implement the order passed by the first respondent in his proceedings Rmc No.F3/43715/2001 dated 18.04.2005 and to remove the encroachment made in Survey No.702/7A which is classified as Natham Poromboke and to restore Cart Track vested with land at Idaiyankulam, Nanguneri Taluk, Tirunelveli District within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.S.Krishnan
For R-1 to R-5 : Mr.P.Thilak Kumar
Government Pleader
For R-6 & R-7 : Mr.M.S.Suresh Kumar

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present Writ Petition is filed for Mandamus to direct the respondents 2 to 5 to implement the order passed by the first respondent in his proceedings in Rmc No.F3/43715/2001 dated 18.04.2005 and to remove the encroachment made in Survey No.702/7A, which is classified as Natham Poromboke and to restore Cart Track vested with land at Idaiyankulam, Nanguneri Taluk, Tirunelveli District.



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2. The learned counsel for the petitioner would submit that the petitioner is a resident of Idaiyankulam Village. The lands in Survey Nos.702/7 and 702/8 in Idaiyankulam Village, Nanguneri Taluk, Tirunelveli District are classified as Gramanatham in the revenue records and used for common purposes including carpentry. While so, one Sivaperumal Achari and four others approached the Tahsildar, Nanguneri and illegally obtained patta in respect of the above lands. Thereafter, the Sub Collector, Cheranmahadevi inspected the field and cancelled the assignment made to one Sivaperumal Achari and others. Challenging the said order, they preferred an appeal before the District Revenue Officer, Tirunelveli, who confirmed the orders of the Sub Collector, Cheranmahadevi. Aggrieved by the same, Tvl.Sivaperumal Achari and four others preferred a revision petition before the first respondent herein, which was dismissed vide order dated 18.04.2005. The said order has not been implemented by the respondents till date. Further, the private parties have encroached upon the public pathway in Survey No.702/7 and there is no other alternative pathway, which prompted the petitioner to file the present writ petition before this Court.

3. This Court will not be justified in stepping into the shoes of the respondents for considering such a prayer of the petitioner. However, this



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Court is of the view that if the petitioner is granted liberty to make a fresh representation before the official respondents, with a consequential direction to the official respondents to consider the same, the ends of justice could be secured.

4. Accordingly, the petitioner herein is granted liberty to make a fresh representation before the respondents 1 to 5 herein ventilating his grievances. On receipt of such representation, the respondents 1 to 5 are directed to consider the same on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as the respondents 6 and 7 herein, within a period of three (3) months from the date of receipt of a fresh representation.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
05.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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