



W.P(MD)No.:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.524 of 2024
and
W.M.P(MD)No.549 of 2024

Thangammal

..Petitioner

Vs

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The District Revenue Officer (DRO)
Illuppur Taluk,
Collector Office Buildings,
Pudukottai District.

3.The Tahsildar,
Taluk Office,
Kulathur,
Pudukottai District.

4.The Block Development Officer,
Annavaasal,

1/8



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5.The President,
Vellanur Panchayat,
Kulathur Taluk,
Pudukottai District.

6.The Secretary
Vellanur Panchayat,
Kulathur Taluk,
Pudukottai District.

7.The Village Administrative Officer,
Vellanur,
Pudukottai District.

8.Kannan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 to 7 in any way permitting the respondent No.8 under the Pradhan Mantri Awas Yojana (Urban)-PMAY (U) under the Tamil Nadu and Central Government Housing Scheme pending disposal of the revision petitioner before the second respondent the District Revenue Officer (DRO) in Na.Ka.45:29428/2021.



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For Petitioner	:Mr.J.Sulthan Basha
For R1 to R3 & R7	:Mrs.K.Christy Theboral Additional Government Pleader
For R4,R5 & R6	:Mr.A.K.Manikkam Special Government Pleader

ORDER

The Petitioner has filed this Writ Petition seeking to forbear the respondents 1 to 7 in any way permitting the respondent No.8 under the Pradhan Mantri Awas Yojana (Urban)-PMAY (U) under the Tamil Nadu and Central Government Housing Scheme pending disposal of the revision petitioner before the second respondent the District Revenue Officer (DRO) in Na.Ka.45:29428/2021.

2. By consent, this writ petition is disposed of at the admission itself.

3.Heard Mr.J.Sulthan Basha, learned counsel appearing for the petitioner, Mrs.K.Christy Theboral, learned Additional Government Pleader appearing for the respondents 1 to 3 & 7 and Mr.A.K.Manikkam, learned Special Government Pleader appearing for the respondents 4,5 & 6.



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4. According to the petitioner, he owned a property to an extent of 44 cents in survey No.119-10A and 119-10B situated at Vellanur Village, Kulathur Taluk, Pudukottai District. The said property originally belonged to Thirumayam Vedapadasalai to an extent of 88 cents. Out of which, 44 cents were acquired under the Government Land Ceiling Act and the remaining 44 cents were purchased by the petitioner from the trustees vide registered sale deed document No.605 of 2002. According to the petitioner he is in possession and enjoyment of the said property. When the matter stood thus, one Rengasamy, who is the father of the 8th respondent had tried to make a hindrance in his property and disturb his peaceful enjoyment of the said property. Hence, the petitioner filed a civil suit in O.S.No.85 of 2008 before the District Munsif Court, Keeranur for permanent injunction from restraining the Rengasamy not to interfere in the peaceful possession and enjoyment of the property. Subsequently, the said Rengasamy passed away and his legal heir was impleaded as a party to the suit. The 8th respondent had tried to put a thatched shed in his property. Therefore, he had preferred a complaint before the Thirukokarnam Police Station, but there is no progress in the said complaint. Further, the said suit was dismissed on 17.12.2018.

5. Aggrieved over the said dismissal of the suit, the petitioner has preferred an appeal in A.S.No.47 of 2021 before the Sub-Court, Keeranur and the same was dismissed on 22.09.2023. The judgment and decree are not made ready, hence, he is not



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able to file a second appeal before this Court. Hence, the petitioner has approached the Revenue Divisional Officer. The Revenue Divisional Officer without conducting proper enquiry has dismissed the said petitioner. Aggrieved over the same, he filed a revision before the District Revenue Officer and the same is pending. The 8th respondent has suppressed the entire facts he applied under the Tamil Nadu and Central Government Housing Scheme. The said application is pending before the respondents 1 to 7. Now, the 8th respondent influencing the respondents 1 to 7 and trying to construct the house in the petitioner's property. Therefore, the petitioner has sent a representation to the respondents 1 to 7 on 08.11.2023 and the same is pending. If the 8th respondent is allowing to construct the house the petitioner will put great hardship and loss. Since the said representation was not considered, the present Writ Petition has been filed before this Court.

6.The learned Additional Government Pleader appearing for the respondents 1 to 3 & 7 on receiving the written instructions from the Tahsildar, Kulathur in Na.Ka. 196/2023/A1, dated 11.01.2024 would submit that regarding the Survey Nos.119/10A and 119/10B one Thangammal, W/o.Karuppaiah has filed a case and in this regard an appeal is pending for an enquiry before the Revenue Divisional Officer. After completing the enquiry, the respondents will pass appropriate orders in the petitioner's request.



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7. It is made clear that the petitioner claims he has got valid title deed and the 8th respondent is disturbing his possession and enjoyment and the suit in O.S.No.85 of 2008 has been filed by the petitioner and the same was dismissed. Aggrieved over the dismissal of the same, the petitioner has filed an appeal in A.S.No.47 of 2021 and the said appeal was also dismissed.

8. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the second respondent, the District Revenue Officer, Illuppur Taluk, Pudukottai District to consider the revision petition filed by the petitioner and pass orders on merits and in accordance with law, within a period of sixteen (16) weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to all the parties concerned.

9. With the above direction, the writ petition stands disposed of. No costs.

Index : Yes/No
Internet: Yes/No
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