

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.14804 of 2011,
M.P.No.1 of 2011 and M.P.No.1 of 2015

C.THUMBANAYAGAM
S/O CHINNATHAMBI
ATHIYUTHIRUVATHI POST
VILLUPURAM TALUK

... PETITIONER

Vs.

1.THE DISTRICT COLLECTOR
VILLUPURAM DISTRICT VILLUPURAM

2.THE TAHSILDAR
VILLUPURAM

3.KALIYAPERUMAL
VELLIYAMBAKKAM VILLAGE
ATHIYUR, THIRUKKAI POST,
VILLUPURAM TALUK

... RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring that the arbitrary removal of S.No.118/2B-12 hares and Survey No.119/1-1 hare from patta Nos.138 and 261 of the petitioner situate at Sithathur Thirukkai Village, Villupuram taluk is illegal null and void and thereby forebear the respondents from disturbing the possession of the petitioner and to restore the above properties in the respective patta of the petitioner.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.S.Pattabiraman,
Government Advocate

O R D E R

With consent of both side, the main writ petition itself has been taken up for final disposal.

2. It is a case of the petitioner that land in S.No.118/2B and 119/1-1 situated at Sithathur Thirukkai Village, Villupuram Taluk belongs to him. It is further case of the petitioner that though name of the petitioner has been shown in the patta pertained to the above said survey numbers, his name has been wrongly removed as against the third respondent.

3. Despite the fact that the petitioner has given representation on 3.3.2011, the same has not been corrected. Hence, the present writ petition.

4. The question as to whether the petitioner's name will have to be included in S.No.118/2B and 119/1-1 is a matter to be adjudicated by the respondent No.2. Similarly, the question as to whether the inclusion of the respondent No.3 is correct or not is also for the respondent No.2 to decide.

5. Therefore, without going into the merits of the case, the respondent No.2 is directed to conduct enquiry on the representation, dated 3.3.2011 and pass appropriate orders after hearing the petitioner as well as the respondent No.3 within a period of eight weeks from the date of receipt of a copy of this order.

6. The petitioner is also directed to give another representation enclosing copy of this order within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs. Consequently, connected M.P.No.1 of 2011 is closed. M.P.No.1 of 2015 has become infructuous and closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vaan

To

1. THE DISTRICT COLLECTOR
VILLUPURAM DISTRICT, VILLUPURAM
2. THE TAHSILDAR,
VILLUPURAM DISTRICT

+lcc to Mr.N.Suresh, Advocate, S.R.No.40581
+lcc to the Government Pleader, S.R.No.40742

W.P.No.14804 of 2011
and
M.P.No.1 of 2011

AK(CO)
CA(21/08/2015)



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