

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.14025 of 2015

P.Pandurangan

...Petitioner

vs

1. The District Collector of Vellore
Collectorate
Sathuvachari, Vellore
2. The Tahsildar of Arakkonam
Taluk Office
Arakkonam Taluk
Arakkonam, Vellore District
3. The Village Administrative Officer
Tappur Viillage
Arakkonam Taluk
Vellore District
4. Arjunan
5. Kumar

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to consider the petitioner's representation dated 04.03.2015, and further directing the second respondent to cancel the Patta No.3, which stands in the name of the fifth respondent to the properties situated in Dry S.F.No.70/21 to an extent of 6 cents and in Dry S.F.No.70/27 to an extent of 18 cents in Thappur Village Account, Arakkonam Taluk, Vellore District and to give separate patta in petitioner's name.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader
for RR1 to 3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would claim that he is the absolute owner of the landed properties situated in Dry S.F.No.70/21, admeasuring to an extent of 0.02 hectares (6 cents) and in Dry S.F.No.70/27, admeasuring to an extent of 0.07.5 hectares (18 cents), in Thappur Viillage, Arakkonam Taluk, Vellore District, and the said properties were originally sold in favour of his father by one Velu and right from the date of purchase, his father was in possession and enjoyment of the properties and after his demise, the petitioner succeeded to the estate and is in possession and enjoyment of the same. The petitioner would state that by oversight, the second respondent has changed the patta in the name of the fourth respondent and according to him, the fourth respondent has no semblance of any right or title over the said properties and taking advantage of the same, the fourth respondent as well as his son viz. the fifth respondent, are trying to interfere with his peaceful possession and enjoyment of the same and in this regard, the petitioner has submitted a representation dated 4.3.2015, praying for cancellation of patta standing in favour of the fifth respondent, and since he has not been favoured with any response, came forward to file this writ petition.

3.The learned Counsel appearing for the petitioner, would submit that the petitioner has also filed a suit in O.S.No.144/2013, on the file of the Court of District Munsif at Sholinghur, against the respondents 4 and 5 for declaration of his title and for permanent injunction and the said suit was decreed ex-parte on 9.4.2014, and the respondents 4 and 5 did not take any steps either to set aside the ex-parte decree, or to file an appeal challenging the legality of the said decree, and therefore, it is obligatory on the part of the respondents 1 to 3 to cancel the patta standing in the name of the fifth respondent.

4.The Court heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepted notice for the respondents 1 to 3, also.

5.This Court, without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioner's representation dated 4.3.2015, in accordance with law, after putting on notice, the respondents 4 and 5, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 4 and 5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

nsv

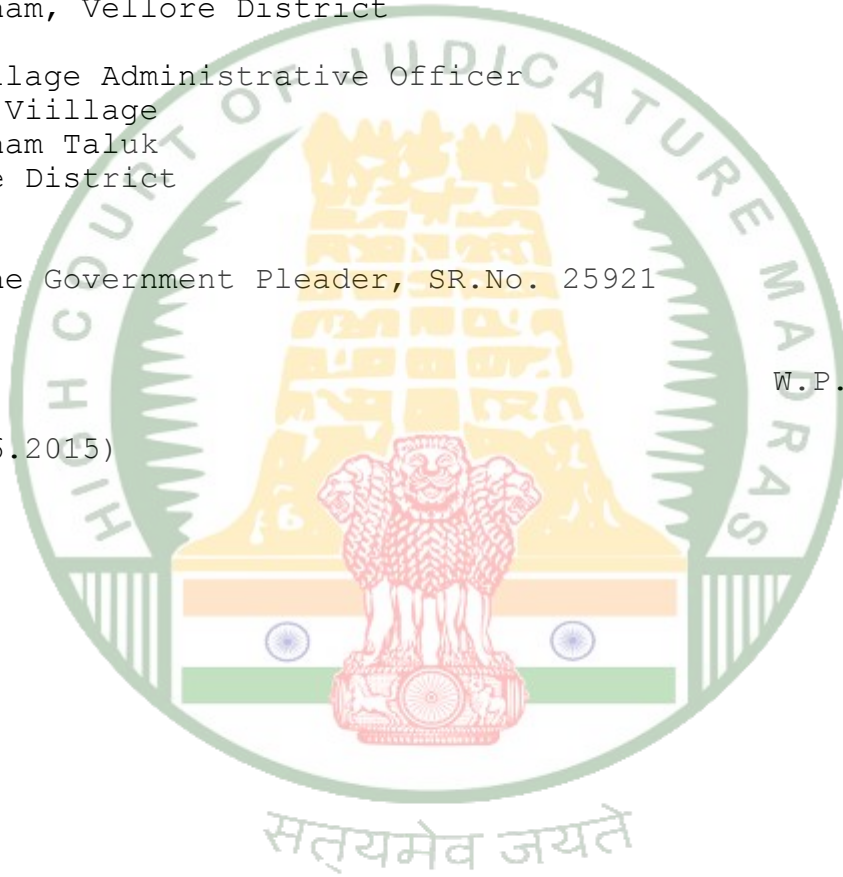
To

1. The District Collector of Vellore
Collectorate
Sathuvachari, Vellore
2. The Tahsildar of Arakkonam
Taluk Office
Arakkonam Taluk
Arakkonam, Vellore District
3. The Village Administrative Officer
Tappur Viillage
Arakkonam Taluk
Vellore District

1 CC to the Government Pleader, SR.No. 25921

W.P.No.14025 of 2015

CA(CO)
PSI (10.06.2015)



WEB COPY