

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.1927 of 2015

R.Gopalan

...Petitioner

Versus

1. The District Collector
Vellore District.
2. Revenue Divisional Officer
Ranipettai, Vellore District.
3. Thasildar, Walaja Taluk
Anandalai Village
Vellore District.
4. Village Administrative Officer
Anandalai Village
Vellore District.
5. The Sub Registrar
Walajah, Vellore District.
6. K.Munusamy
7. K.Lakshmanan

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to the first respondent for issuing further direction to respondents 2 to 4 for taking necessary steps for consideration of the petitioner's representation dated 16.12.2014 to conduct further enquiry on the petitioner's complaint dated 19.05.2008 which was stopped on the Notification vide O.Mu.A(4) 6324/09 dated 08.10.2009 by the second respondent.

For Petitioner : Mr.V.Sankar

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader
for RR1 to 5

ORDER

Heard Mr.V.Sankar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for respondents 1 to 5. In the light of the direction, which is to be issued in this writ petition, notice to the private respondents, viz., respondents 6 and 7 are dispensed with.

2. The case of the petitioner is that he submitted a representation to the Tahsildar, Wallajah Taluk for cancellation of patta granted in the name of the father of respondents 6 and 7. The second respondent by communication dated 08.10.2009 informed the petitioner that the enquiry cannot be proceeded with since the suit in O.S.No.157 of 2008 filed by the petitioner is pending and in the said suit the respondents 6 and 7 are the defendants 1 and 2. The suit is for a mandatory injunction to delete the names of respondents 6 and 7 herein in the patta pass book and for permanent injunction. According to the petitioner, the said suit was dismissed by judgment dated 09.09.2014. Thereafter, the petitioner did not prefer any appeal. Since the suit has already been dismissed, the petitioner requested the second respondent to proceed with the enquiry and also submitted a representation dated 16.1.22014. But, till date, the same has not been considered. Hence the present writ petition.

3. In the light of the above facts, without going into the merits of the petitioner's contention, there shall be a direction to the second respondent to give notice to the petitioner and respondents 6 and 7 and further proceed with the enquiry, based on the request made by the petitioner and pursuant to the proceedings dated 08.10.2009, if there is no other legal impediment.

4. The writ petition is disposed of with the above direction. No costs.

सत्यमेव जयते
Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The District Collector
Vellore District.
 2. Revenue Divisional Officer
Ranipettai, Vellore District.
 3. Thasildar, Walaja Taluk
Anandalai Village
Vellore District.
 4. Village Administrative Officer
Anandalai Village
Vellore District.
 5. The Sub Registrar
Walajah, Vellore District.
- 1 CC to Mr.V.Shankar, Advocate SR.No. 4371
- 1 CC to the Government Pleader, SR.No. 4785

CNR (CO)
PSI (06.02.2015)

WP.No.1927 of 2015



WEB COPY