

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19673 of 2015

A.Periannan

.. Petitioner

Versus

- 1 The District Collector
Salem District Collectorate Salem-636 001.
- 2 The Tahsildar
Salem Taluk Taluk Office Collectorate
Salem-636 001.
- 3 Thangaraj .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents 1 and 2 herein to cancel Patta No.971 granted in favour of the third respondent herein and consequentially restore the Erumapalayam Tank to its original position.

For Petitioner : Mr.T.Murugamanickam

For Respondents : Mr.Rm.Muthukumar (for R1 & R2)
Government Advocate

O R D E R

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

2. The petitioner claims that he is an agriculturist owning agricultural lands in S.No.111/4, Erumapalayam Village, Salem Taluk and District and in S.No.111/3, Erumapalayam Tank is situated and the waters collected by percolation is used by the adjacent land owners for agricultural activities. The petitioner would further state that due to paucity of rains in the last few years, the Tank Bed has become dry and taking advantage of the same, the 3rd respondent managed to obtain patta in respect of the entire 26 cents of lands in S.No.111/3, vide patta No.971. The petitioner being dependent on the water collected in the said Tank has approached the 1st respondent by submitting a representation dated 14.07.2014 and it was forwarded to the Revenue Divisional Officer, Salem, who vide proceedings in O.Mu.No.2921/2014/A2 dated

01.08.2014 has directed the 2nd respondent to initiate appropriate proceedings for cancellation of patta in respect of S.No.111/3 of Erumapalayam, Salem Taluk and District and since no further action has been taken, came forward to file this writ petition.

3. Heard the submissions of Mr.T.Murugamanickam, learned counsel appearing for the petitioner and Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice for the 1st and 2nd respondent.

4. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the application/representation, directs the 2nd respondent to act on the proceedings of the Revenue Divisional Officer, Salem in O.Mu.No.2921/2014/A2 dated 01.08.2014 and take appropriate action after putting on notice the 3rd respondent and pass orders, as expeditiously as possible and not later than four 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 3rd respondent.

5. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1 The District Collector
Salem District Collectorate Salem-636 001.

2 The Tahsildar
Salem Taluk Taluk Office Collectorate
Salem-636 001.

3.The Revenue Divisional Officer, Salem

1 cc to Mr..T.Murugamanickam , Advocate Sr.No.33582

1 cc to Government Pleader.Sr.No.33988

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rsk(co)
pmk.14.7.2015