

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.8.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.24248 of 2015

Mrs.Valarmathi

...Petitioner

Vs.

The Tahsildar, Thirupattur Taluk Office,  
Thirupattur,  
Vellore District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 16.06.2015 and to pass orders.

For petitioner : Mr.D.Senthil Kumar

For respondent : Mr.N.Roofus Abraham,  
Government Advocate

ORDER

It is claimed by the petitioner that she is the owner of the lands situated in S.Nos.117 and 118 (out of various lands in Patta No.52) of an extent of 2 acres 64 cents and 5 acres 40 cents in Thiruppathur Circle, Atthanaavoor, Madura, Royaneri Village, Yelagiri Hills, Vellore District, which were purchased by her by four sale deeds, out of which, the earliest sale deed is of the year 2004.

2. It is her further case that the above said lands were inspected by the respondent-authorities based on a complaint given by private parties and ultimately, FIR came to be registered in this regard by the concerned Police Station, which had been stayed by this Court on 09.01.2014 in Crl.O.P.No.288 of 2014 filed by the petitioner's father. The said Crl.O.P. is still pending before this Court.

3. In the meanwhile, the Sub-Collector, Thriuppattur, Vellore District, by proceedings dated 06.11.2014, based on the proceedings of the District Revenue Officer, Vellore, dated 02.01.2011 and 13.01.2014 and upon enquiry conducted on 04.04.2012 and 03.07.2012, observed that the sub-division of the survey of the lands in Patta No.52 had been wrongly done in the name of one Krishnan and ordered that S.Nos.118/1A1, 1A2 and 1A3 are restored to original position in S.Nos.118/1A and 118/1 and any one aggrieved by the said restoration of the survey numbers, shall appeal to the District Revenue Officer. In the said proceedings, dated 06.11.2014, the Sub-Collector made it clear that the persons seeking separate pattas in respect of Patta No.52, shall approach the Court in respect of the ownership of the lands in question.

4. It is seen that subsequently, a representation was given by the petitioner on 16.06.2015 to the respondent-authorities, raising objections for issuance of patta in the name of private parties and the said representation is kept pending. Hence, the petitioner has filed this Writ Petition to direct the respondent-Tahsildar to consider the said representation.

5. Considering the above facts and circumstances and taking into account the limited scope of the above said prayer sought for in this Writ Petition, without going into the merits of the case, a direction is issued to the respondent-Tahsildar to consider the said representation of the petitioner, provided separate pattas have not yet already been issued to the private parties in accordance with law in respect of their request of separate pattas in Patta No.52. It is made clear that before passing orders on the said representation, the respondent-authorities shall give an opportunity of hearing to the petitioner and other parties and thereafter pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order or on production of a copy of this order by the petitioner with a copy of the said representation, whichever is earlier.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

CS

To

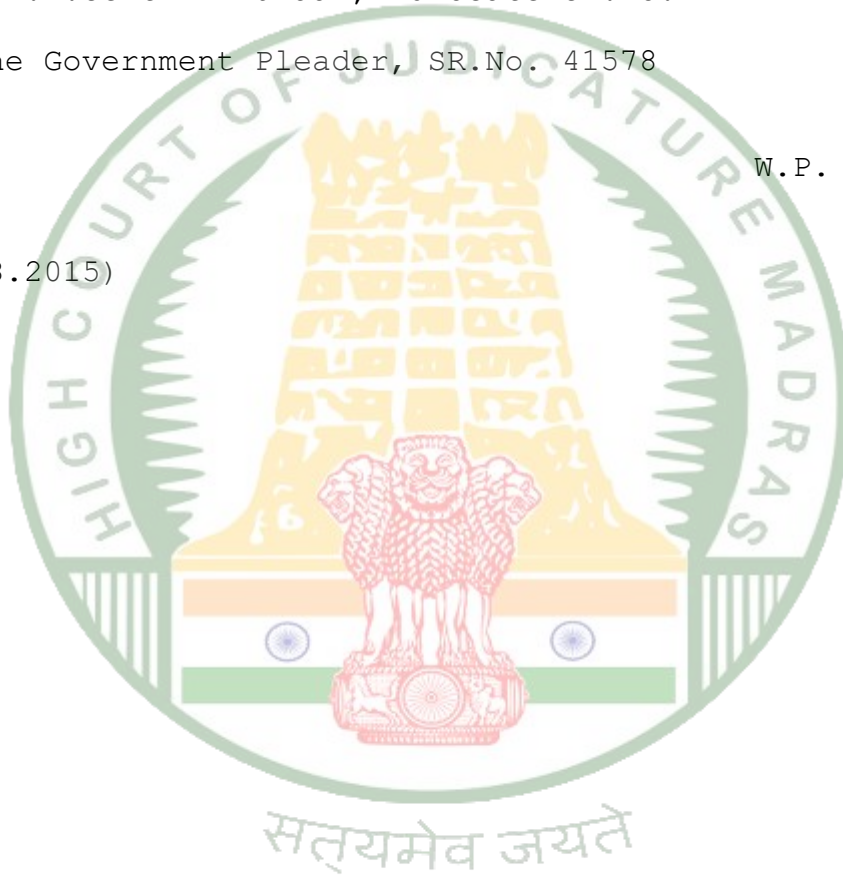
The Tahsildar,  
Thirupattur Taluk Office,  
Thirupattur,  
Vellore District.

2 CCs to Mr.D.Senthil Kumaar, Advocate SR.No. 41444

1 CC to the Government Pleader, SR.No. 41578

W.P. No.24248 of 2015

SCD (CO)  
PSI (25.08.2015)



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