

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7540 of 2015

S.Nagaraj

...Petitioner

Versus

1. The District Revenue Officer
Coimbatore District at Coimbatore.

2. The Revenue Divisional Officer
Coimbatore @ Coimbatore.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS directing the respondents to restore and issue the patta in the name of the petitioner in respect of lands to the extent of 1.40 acres out of 3.73 acres in survey No.429/1, 0.54 acres in survey No.427/2 and 0.38 acres in survey No.368 in Kurichi Village, Coimbatore Taluk, Coimbatore District, possessed by the mother of the petitioner as per orders of the Special Tribunal for Minor Inam Abolition Act passed in CMA No.92/1974 dated 30.08.1974 by considering representations of the petitioner dated 27.12.2014 and 06.02.2015.

For Petitioner : Mr. V.Ravikkumar

For Respondents : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr. K.V.Ravikkumar, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, accepting notice on behalf of the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner has filed this writ petition praying for a direction to restore and issue patta in the name of the petitioner in respect of the lands measuring an extent of 1.40 acres out of 3.73 acres in survey No.368 in Kurichi Village, Coimbatore Taluk, Coimbatore District, as per the orders passed by the Special Tribunal for Minor Inam Abolition Act, in CMA.No.92/1974 dated 30.08.1974, by considering the petitioner's representations dated 27.12.2014 and 06.02.2015.

3.It is seen that the petitioner's request for grant of patta was considered and an order was passed by the Revenue Divisional Officer, Coimbatore on 07.07.2004. The petitioner and his father were aggrieved by such order and they filed representation before the District Revenue Officer. The Revisional Authority, by order dated 03.03.2006, observed that the 2nd respondent has not inspected the field and conducted Field Level Enquiry and has not clearly mentioned the reasons for not taking into account the order of the Inam Tribunal. Therefore, the matter was remanded to the 2nd respondent with a direction to inspect the property by conducting the Field Level Enquiry, verify who is in possession of the land and to analyse the order of the Tribunal properly and then, pass fresh orders. Pursuant thereto, the matter was taken up for enquiry by the 2nd respondent vide notice dated 16.06.2006.

4.The petitioner would state that thereafter there is no progress in the matter and the entire matter has been put in cold storage. Therefore, the petitioner submitted representations and in spite of the same, since no action was taken either by the 2nd respondent or by the 1st respondent, the Revisional Authority, the petitioner is before this Court.

5.Learned Additional Government Pleader submitted that if the matter is pending before the 2nd respondent, reasonable time may be granted to him to conduct enquiry, as directed by the 1st respondent and pass final orders.

6.In the light of the above, there will be a direction to the 2nd respondent to comply with the direction issued by the 1st respondent in his order dated 03.03.2006, issue notice to the petitioner and his father as well as to the Assistant Commissioner [HR & CE], Coimbatore, hear the parties and pass a reasoned order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Revenue Officer
Coimbatore District at Coimbatore.
2. The Revenue Divisional Officer
Coimbatore @ Coimbatore.

+1cc to M/s.V.Ravikkumar, Advocate, S.R.No.15120
+1cc to the Government Pleader, S.R.No.15599

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CA(CO)
CA(27/03/2015)



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