

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3604 of 2013

M.Siva

... Petitioner

vs.

1. The District Collector,
Namakkal District,
Namakkal.

2. The Tahsildar,
Taluk Office,
Rasipuram Taluk,
Namakkal District.

3. Pappa

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents herein to forthwith consider and take action order on the representation of the petitioner dated 16.04.2012, in seeking to recover the property measuring an extent of 1 cent in S.No.105/17 of Muthukalipatti Village, Rasipuram Taluk, Namakkal District and restore the house to the petitioner.

For Petitioner : Mr.G.Arul Murugan

For Respondents : Mr.R.Vijayakumar,
Addl. Govt. Pleader for R1 & R2
No Appearance for R3

O R D E R

Heard Mr.G.Arul Murugan, learned counsel appearing for the petitioner and Mr. R.Vijayakumar, learned Additional Government Pleader appearing for respondents 1 and 2

2. Though the 3rd respondent has been served and her name is printed in the cause list, none appears for the third respondent.

3. The petitioner seeks for a direction of respondents 1 and 2 to consider the representation dated 16.04.2012. It is stated that the petitioner was absolute owner of the property in survey No.105/17 of Muthukallipatti Village. According to the petitioner, the said property was settled in favour of the petitioner and his brother by settlement deed registered as Document No.395/2008. The said land originally was the Government land and patta was granted in favour of the petitioner's grandmother. According to the petitioner, the 3rd respondent attempted to encroach the said property by creating fabricated documents and therefore, the petitioner filed a suit in O.S.No.165/2009 on the file of the District Munsif, Rasipuram and obtained a decree on 22.04.2010 as against the 3rd respondent. The petitioner has also said to have filed a police complaint and the case was registered against the 3rd respondent in Crime No.9 of 2012 for offences under Sections 147, 447, 468, 471, 420 and 506(ii) IPC and the accused persons were arrested and remanded to judicial custody. Thereafter, the petitioner made a representation to the respondents 1 and 2 stating that the Government land allotted to his grandmother was encroached by the 3rd respondent through creation of fabricated documents and hence, the same should be canceled. The said representation is still pending

4. Accordingly, without going into the merits of the petitioner's contention, there will be a direction to the 2nd respondent to consider the petitioner's representation dated 16.04.2012 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Asst. Registrar

/true copy/

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Sub Asst. Registrar.

VSM

To

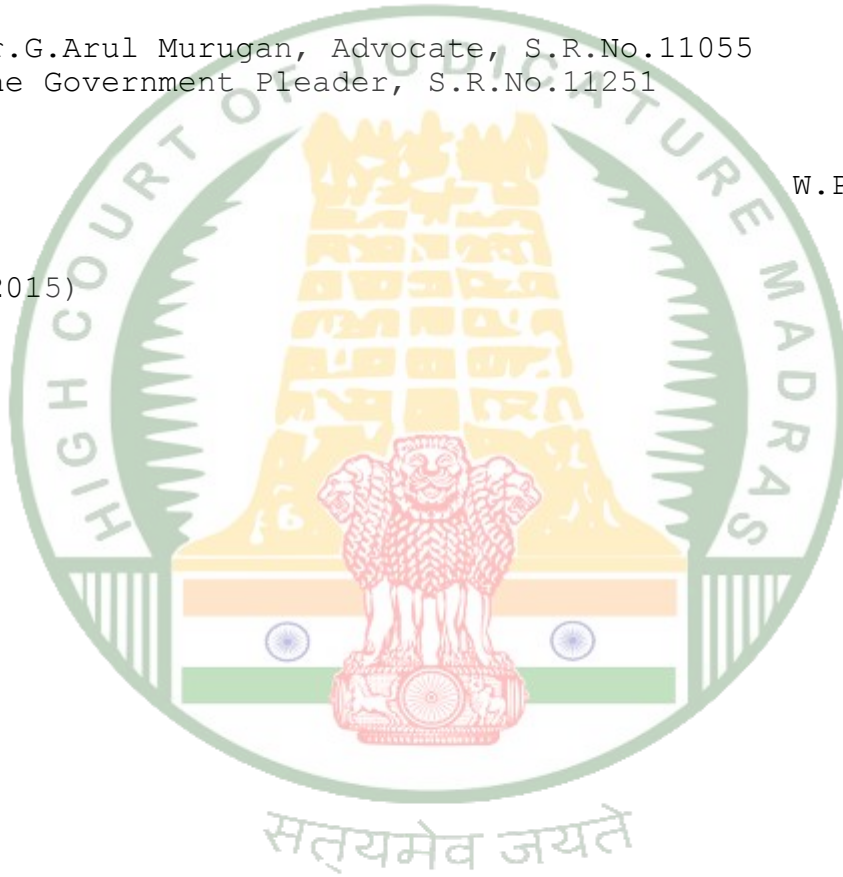
1. The District Collector,
Namakkal District,
Namakkal.
2. The Tahsildar,
Taluk Office,
Rasipuram Taluk,
Namakkal District.

+1cc to Mr.G.Arul Murugan, Advocate, S.R.No.11055

+1cc to the Government Pleader, S.R.No.11251

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KJI (CO)
CA(12/03/2015)



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