



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.17196 of 2015

and

M.P(MD) No.1 of 2015

E.Selva Rani

...Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
O/o.the District Revenue Officer,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Usilampatti,
Madurai District,
Madurai.

4.The Tahsildar,
Usilampatti Taluk,
Madurai District.

5.N.Mayan
Respondents

...

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 4 to conduct an enquiry pertaining to transfer of patta in favour of the fifth respondent and consequently direct the first respondent to cancel the patta and remove the fifth respondent from Chellampatti Colony presently renamed as West Colony situated at Kovilankulam Village, Usilampatti Taluk, Madurai District, within the time stipulated by this Court.

For petitioner

: Mr.T.Lajapathi Roy
for Mr.S.Rajasekar

For respondents R-1 to R-4

: Mr.M.Murugan,
Government Advocate



ORDER

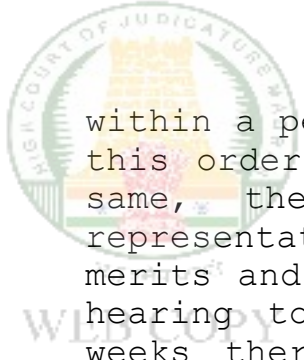
The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents 1 to 4 to conduct an enquiry pertaining to transfer of patta in favour of the fifth respondent and consequently direct the first respondent to cancel the patta and remove the fifth respondent from Chellampatti Colony presently renamed as West Colony situated at Kovilankulam Village, Usilampatti Taluk, Madurai District, within a stipulated time.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents 1 to 4.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the petitioner belongs to scheduled caste community and is a resident of the West Colony Street, Chellampatti Post, Usilampatti Taluk, Madurai District, which is occupied by the people belonging to scheduled caste community from time immemorial and they are engaged in grave digging and other menial works. In these circumstances, on 20.03.1995, the Government issued assignment house site patta for fourteen families belong to Adi Dravidar community people. In these circumstances, the fifth respondent had purchased the property in Survey Nos.333/30, 333/31 measuring to an extent of 428 sq. ft. situated at Kovilankulam Village, Usilampatti Taluk, Madurai District from one Raju @ Vellaichamy and registered the same in document No.1652 of 2014 and 3136 of 2013. The property in Survey No.333/29 was registered in the name of the petitioner in document No.2760 of 2011 before the Sekanurani Sub-Registrar Office. The fifth respondent constructed a meat stall in the said premises and he abused the petitioner in filthy language and threatened to evict him from his residential house in Survey No.333/29, Kovilankulam Village, Usilampatti Taluk, Madurai District. While the matter stood thus, the fifth respondent had trespassed into the petitioner's land and demolished the house. Hence, the petitioner has made a representation to the first respondent on 10.08.2015 by narrating all the above averments and requested to conduct an enquiry pertaining to transfer of patta in favour of the fifth respondent and to forbear the fifth respondent from putting up any construction in the above said lands. Since the same was not considered, once again the petitioner sent a representation on 07.09.2015. Even thereafter, there was no action and hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

<https://hcservices.courts.gov.in/> 5. Considering the submissions made by the learned counsel for the petitioner, this Court directs the petitioner to give a copy of representation, dated 07.09.2015, to the fourth respondent



within a period of two weeks from the date of receipt of a copy of this order along with a copy of this order and on receipt of the same, the fourth respondent is directed to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the fourth respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Revenue Officer,
O/o.the District Revenue Officer,
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Usilampatti,
Madurai District,
Madurai.
- 4.The Tahsildar,
Usilampatti Taluk,
Madurai District.

+one cc to M/s.T.Lajapathy Roy, Advocate in SR.NO.56501

+one cc to The Special Government Pleader, SR.No. 56146

W.P(MD).No.17196 of 2015

23.09.2015

pm

CSL/KBM/08.10.2015