

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10970 of 2016

B.Shivaswamy

... Petitioner

Vs.

1. The District Collector,
The Nilgiris District at Ooty.
2. The District Revenue Officer,
The Nilgiris District at Ooty.
3. The Tahsildar, Ooty Taluk, Ooty,
The Nilgiris District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the third respondent to conduct enquiry in regard to the petitioner's written representation, dated 28.10.2014 and pass orders on the basis of the communication sent by the first respondent in his proceedings No.O.Mu.G.30258/2014, dated 12.12.2014.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.Navaneethan,
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the third respondent to conduct enquiry in regard to the petitioner's written representation, dated 28.10.2014 and pass orders on the basis of the communication sent by the first respondent in his proceedings No.O.Mu.G.30258/2014, dated 12.12.2014.

2. It is the case of the petitioner that when his father Basuvaiah was alive, he owned patta land situated in Old S.No.141/2, New R.S.No.874/5, Halatty, Naduvatty, Kadanadu Village, Ooty Taluk, The Nilgiris District, to an extent of 80 cents; after his demise, the petitioner and his brothers, viz.,

Sivamoorthy, Ravikumar, Rajaiah, Manojkumar and Prakash are enjoying the said land by cultivating agricultural crops and paying Kist and taxes to the concerned Departments; they have also pledged the said land with Co-operative Society and obtained fertilizer loan.

3. It is the grievance of the petitioner that one Bellan, who is the Village Administrative Officer, colluded with one Parvathy, Indra, Bellammal, Manokaran, Susila, Anandakumar and Sundariammal and included their names in the petitioner's patta as joint owners of the said land, without any title deed or without any right over the land, with ulterior motive of obtaining personal benefits. After coming to know of this, the petitioner made representations, dated 31.07.2014 and 28.10.2014 before the third respondent, requesting to remove the names of the said persons from the petitioner's patta. As the third respondent has not conducted any enquiry, the petitioner approached the first respondent and made written representation, who in turn sent communication to the third respondent by the said proceedings, dated 12.12.2014, directing him to conduct enquiry and send a report to him; but the third respondent did not take any steps to conduct enquiry. Hence, the petitioner sent several representations to the third respondent, which went in vain. Therefore, the petitioner has filed this Writ Petition for the above relief.

4. Heard both sides.

5. Taking into consideration the above factual aspects of the matter, without going into the merits of the case, this Court directs the third respondent to consider the said representation, dated 28.10.14 of the petitioner, conduct enquiry, give an opportunity of personal hearing to the petitioner, the said private parties and any other necessary parties and dispose of the said representation, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the third respondent to decide the same.

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

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

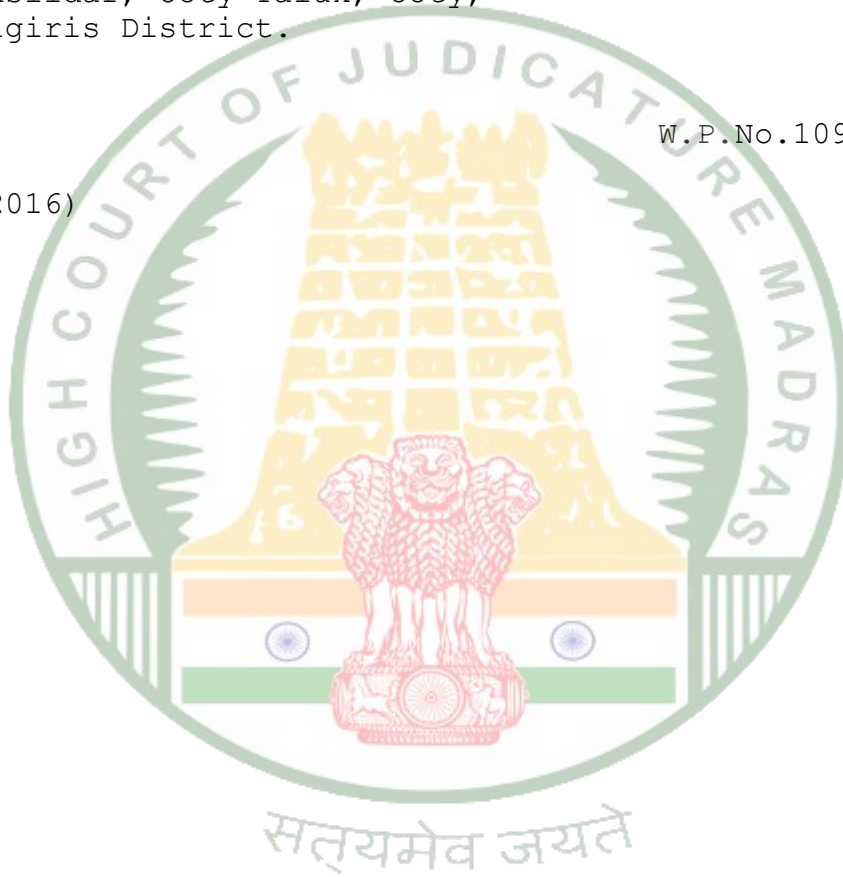
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To

1. The District Collector,
The Nilgiris District at Ooty.
2. The District Revenue Officer,
The Nilgiris District at Ooty.
3. The Tahsildar, Ooty Taluk, Ooty,
The Nilgiris District.

SAI (CO)
CA(18/04/2016)

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