

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14421 of 2016

Mohamed Ibrahim Sahib

... Petitioner

vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Thasildar,
Denkanikottai Taluk,
Krishnagiri District.

3.Abdulal Jabbar

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 01.03.2016 and to cancel the patta issued to the 3rd respondent within the time framed by this Court.

For Petitioner :Mr.K.Gandhi Kumar

For Respondents :Mr.V.Jayaprakash Narayanan,
1 &2 SGP

ORDER

The petitioner has come up with the present writ petition for a Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 01.03.2016 and to cancel the patta issued to the 3rd respondent within the time framed by this Court.

3. It is the case of the petitioner that the petitioner is residing at No.86, Prasad Street, Denkanikottai Taluk, Krishnagiri District. His father Abdul Rehaman Sahib had purchased a land measuring to an extent of 2.48 acres comprised in S.No.289 of Denkanikottai Village on 25.05.1943 from one Abdul Razak Sahib, S/o Late Mohideen Sahib Rajan and from the date of purchase, he has been in possession and enjoyment of the said property. After the death of his father on 20.12.1998, the petitioner, other legal heirs viz., [1].Mohamed Akbar Ali,

[2]. Mohamed Sowkath Ali, [3]. Mohamed Ali and four other female members have been jointly enjoying the said property, without any interruption. While so, the respondents 1 and 2 have wrongly issued UDR patta and chitta in the name of the third respondent, without any valid documents or title over the property. When the petitioner came to know about the same, he made a representation dated 23.01.2016 to respondents 1 and 2 requesting to cancel the patta and chitta wrongly issued in the name of the third respondent and also to issue a fresh patta and chitta in favour of him. On receipt of the same, the first respondent has directed the second respondent to conduct an enquiry and submit a report to him. However no steps have been taken by the second respondent, which compelled the petitioner to send another representation dated 01.03.2016 to the first respondent and also to the Sub-Collector, Hosur. Again, the first respondent has directed the second respondent to conduct enquiry and forward the report to him. However, till date, no action has been taken by the second respondent. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard K.Gandhi Kumar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who took notice for respondents 1 and 2.

4. Without going into the merits of the case, this Court directs the petitioner to give a copy of the representation dated 01.03.2016 along with a copy of this order to the second respondent, within a period of one week, from the date of receipt of a copy of this order. On receipt of such representation, the second respondent is directed to consider the same, by affording an opportunity of personal hearing to the petitioner as well as to the third respondent and all the necessary parties if any, and pass appropriate order, within a period of eight weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the second respondent to pass appropriate order purely on merits and in accordance with law.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

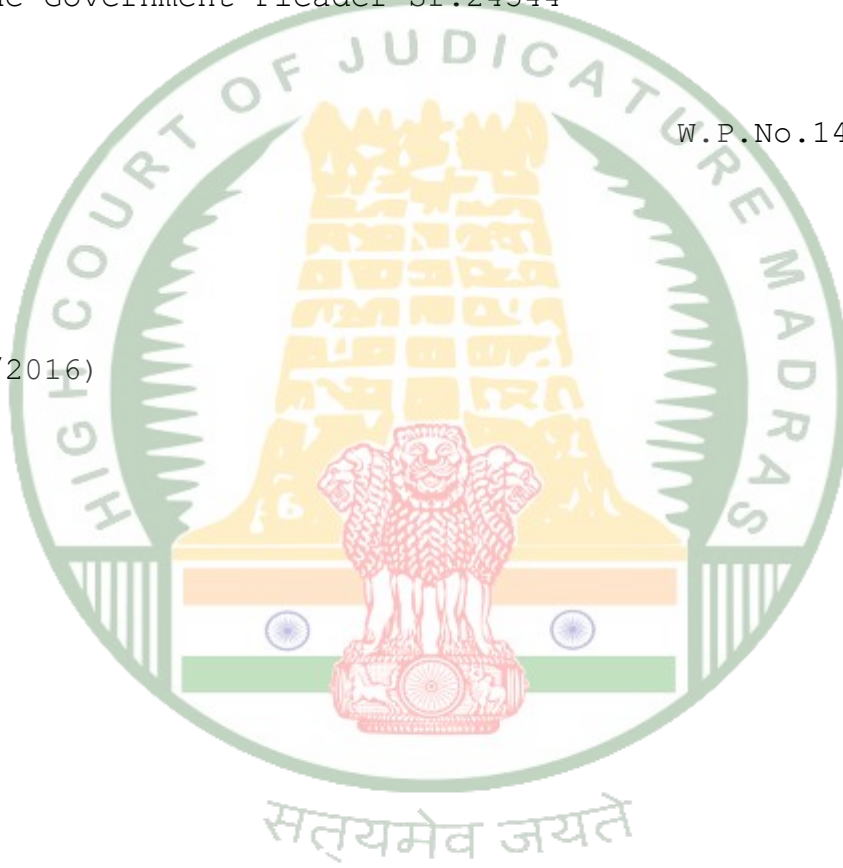
1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Thasildar,
Denkanikottai Taluk,
Krishnagiri District.

+lcc to Mr.K.Gandhikumar, Advocate Sr.24410
+lcc to the Government Pleader Sr.24544

W.P.No.14421 of 2016

sv (CO)
srg (27/05/2016)



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