

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14960 of 2016

Neelavathi

... Petitioner

vs.

1.The District Collector
Villupuram.

2.The District Revenue Officer,
Collector Office,
Villupuram.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi.

4.The Tahsildar,
Kallakurichi.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the fourth respondent to consider the petitioner's representation dated 6.6.2015 and consequently to direct the respondent to cancel the patta issued in favour of Muthu by proceedings No.Vi.Ma.No.42/1424F dated 19.11.2014.

For Petitioner : Mr.N.Subramani

For Respondents: Mr.M.Digvijaya Pandian,
Add. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final hearing.

2. The petitioner has come up with the present writ petition for a mandamus, directing the fourth respondent to consider her representation dated 6.6.2015 and consequently to direct the respondents to cancel the patta issued in favour of

one Muthu by proceedings No.Vi.Ma.No.42/1424F dated 19.11.2014.

3. It is the case of the petitioner that she belongs to Adidravida Kuravan community. She constructed a house in S.No.215/9 in Natham Villambar Village and has been living there for the past 50 years. The petitioner and one Kathirvel and his family are using the common pathway to reach her property through the Government poromboke land in S.Nos.219/1 and 219/4 in Natham Vilambar village for the past 50 years without any disturbance. While so, the third respondent by proceedings dated 19.11.2014 issued patta in favour of one N.Muthu in respect of the said pathway in S.No.219/1. Hence, the petitioner is unable to enter into her property. Even though she has been in possession and enjoyment of the pathway for the past 50 years, the third respondent issued patta in favour of the said N.Muthu. Therefore, she made several request to the respondents seeking to cancel the patta. Since there is no response, finally, she sent a representation dated 6.6.2015 to the respondents to cancel the patta issued in favour of the said N.Muthu. But, so far, no action was taken on the said representation also. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to conduct an enquiry on the representation of the petitioner dated 6.6.2015, by affording an opportunity of personal hearing to the petitioner as well as to the said N.Muthu and other necessary parties, if any, and pass appropriate orders / take appropriate action, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The District Collector,
Villupuram.

2.The District Revenue Officer,
Collector Office,
Villupuram.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi.

4.The Tahsildar,
Kallakurichi.

1 cc to The Government Pleader, sr.25431

1 cc to Mr.N.Subramani, Advocate, sr.25007

W.P.No.14960 of 2016

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kra 02.06.2016



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