

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.16271 of 2016

and

WMP.No.14065 of 2016

S.Gurusamy

.... Petitioner

vs.

1.The District Collector,
Salem District, Salem.

2.The District Revenue Officer (DRO),
Salem District, Salem.

3.The Revenue Divisional Officer (RDO)
Salem District, Salem.

4.The Tahsildar,
Salem Taluk,
Salem District.

5.The Village Administrative Officer (VAO)
Kuppanur Village,
Salem District, Salem.

6.Madhavan

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 31.03.2016.

For Petitioner : Mr.M.Muthusamy

For R1 to R5 : Mrs.M.E.Rani Selvam, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation dated 31.03.2016.

2. It is the case of the petitioner that his father C.Subramani had purchased the property comprised in S.No.29/2 measuring to an extent of 3 acres 73 cents in Patta No.44 from one Soundaraja Chettiar and others vide Document No.2267/1941 dated 31.05.1941 on the file of the Sub Registrar Office, Salem. Thereafter, his father had also taken possession of the adjacent vacant land, which was considered as poromboke land, measuring to an extent of 40cents and laid it equally as fit for cultivation and constructed a house and planted coconut trees and also developed the agricultural activities along with his above said patta land. Thus, his father was in continuous possession and enjoyment of the entire properties of 3.73acres + 40 cents, totally 4.13 acres from 1941 to till his death. After the death of his father, the total extent of 4.13 acres was divided into two equal shares and the same was allotted between the petitioner and his brother Venkatachalam. In view of the same, the petitioner has got the above said 40 cents of land along with the house and coconut trees. Thereafter, he demolished the said house and constructed a new house in the year 1980. Subsequently, he has obtained electricity service connection and has been in possession and enjoyment of the same by paying the property tax etc. to the authority concerned.

3. It is the further case of the petitioner that while so, one Perumal purchased the property in S.No.11 and its Parts, which is situated after V.Dadanur Panchayat Road and the above said 40 cents of the land and thereafter, his son Madhavan, who is the sixth respondent herein, obtained patta No.145 and sub division S.Nos.11/4A and 11/4B for the said 40 cents of the land by producing some fabricated documents to the Revenue authorities. Based on the said patta, the sixth respondent is trying to grab and evict the petitioner from the said 40 cents of land. Since the property in question has been in possession and enjoyment by the petitioner's father and thereafter by the petitioner from 1941 onwards and the fourth respondent, without conducting any enquiry, issued patta in favour of the sixth respondent in respect of the said 40 cents of the land in the present S.No.11/4A, the petitioner made a representation dated 31.03.2016 to all the respondents requesting to cancel the patta No.145 standing in the name of the sixth respondent and issue a

fresh patta in his favour. However, the said representation was not considered so far. Therefore, the petitioner has filed the present writ petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

5. Considering the limited nature of the relief sought for herein, this Court directs the third respondent to consider the representation of the petitioner dated 31.03.2016, by affording an opportunity of personal hearing to the petitioner as well as to the sixth respondent and pass appropriate orders. 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 third respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Salem District, Salem.

2. The District Revenue Officer (DRO),
Salem District, Salem.

3. The Revenue Divisional Officer (RDO)
Salem District, Salem.

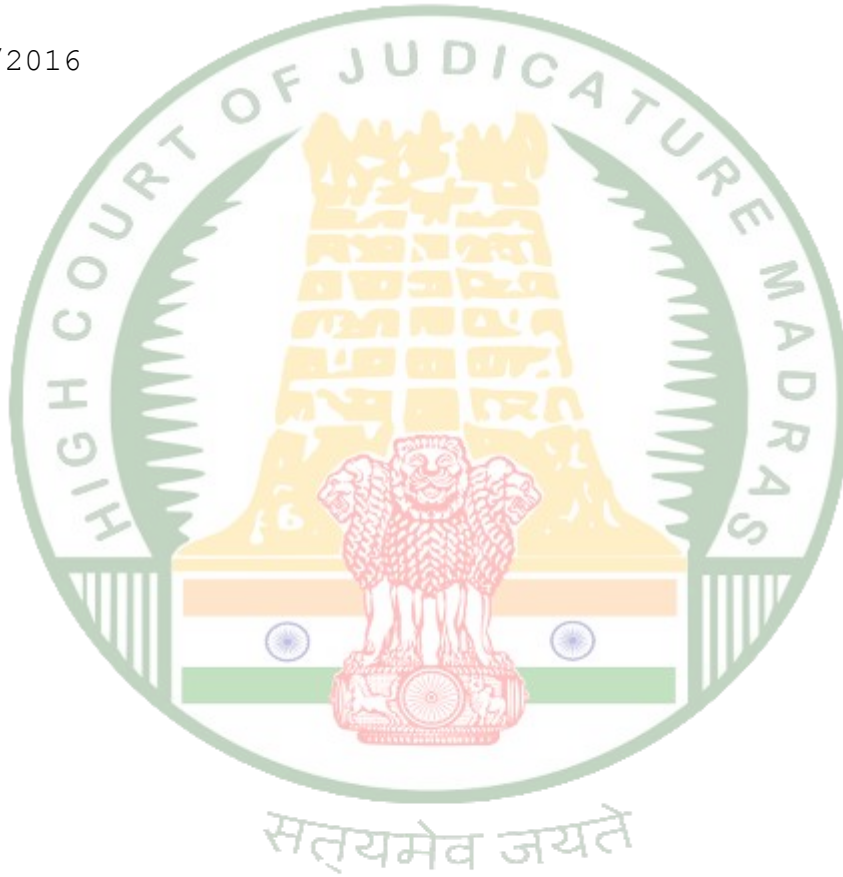
4. The Tahsildar, Salem Taluk,
Salem District.

5.The Village Administrative officer (VAO)
Kuppanur Village,
Salem District, Salem.

+1cc to M/S.M.Muthusamy, Advocate sr.26969
+1cc to the Government Pleader Sr.27362

W.P.No.16271 of 2016

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srg 13/05/2016



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