

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.9803 of 2010
and M.P.No.1 of 2010

S.Vijayalakshmi

...Petitioner

Vs.

1. The Collector, Villupuam District.
2. The Revenue Divisional Officer,
Thirukoilur, Villupuram District.

3. Kannan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to consider the representation dated 19.04.2010 made by the petitioner and to cancel the patta wrongfully obtained by the third respondent as R.S.No.492/7 instead of 492/E&G within the time specified by this Court.

For Petitioner : Mr.Saravana Kumar

For Respondents: Mr.Sanjay Gandhi,
Additional Government Pleader.

O R D E R

The petitioner has come up with this writ petition for the issuance of a writ of mandamus directing the second respondent to consider the representation, dated 19.04.2010, made by the petitioner and for a consequent direction to cancel the patta wrongfully obtained by the third respondent as R.S.No.492/7 instead of 492/E&G within the time specified by this Court.

2. Heard the learned counsel appearing for the respective parties.

3. The first and third respondents have filed separate counter affidavits. The first respondent in his counter affidavit has stated that regarding the finalization of land dispute, there are cases pending before the Sub Court, Villupuram, and the issue would be finalized only upon the

orders passed by the Sub Court, Villupuram. The counter further stated that, after getting a detailed report from the Tahsildar, Ulundurpet, necessary proposal will be sent to the District Revenue Officer, Villupuram, for the rectification of defects made in the Village Accounts, during the period of UDR.

4. The third respondent, who is a private party, has also filed a separate counter affidavit. In the said counter affidavit, he has stated that, in respect of the land in question, which is in issue, he has already approached this Court and obtained an order in Writ Petition No.12232 of 2012, dated 26.04.2012.

5. A perusal of the materials available on record would go to show that, the directions issued by this Court, in the said writ petition, has not been complied with by the respondents.

6. Be that as it may. Since in paragraph 4 (e) of the counter affidavit filed by the third respondent, he has stated that as against the judgment and decree granted in favour of him by the Principal District Munsif Court, Ulundurpet, in O.S.No.288 of 2000, a first appeal in A.S.No.50 of 2004 on the file of the Sub-Court, Villupuram, has been preferred by the defendants therein and the same was dismissed on 21.02.2005 and consequently, the same has become final, this Court is of the firm view that the prayer sought for in the writ petition has to be granted, but only to the limited extent of considering the representation of the petitioner, dated 19.04.2010.

7. In view of the above, the part-prayer sought for in the writ petition, namely, to consider the representation, dated 19.04.2010 alone can be granted. Therefore, the second respondent is hereby directed to consider the representation of the petitioner, dated 19.04.2010 and to pass orders thereon, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that the second respondent, while considering the representation of the petitioner, is at liberty to hear the concerned/rivalry parties, if any, before passing the order, to safeguard their interests.

8. The Writ Petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rts

To

1. The Collector, Villupuam District.

2. The Revenue Divisional Officer,
Thirukoilur, Villupuram District.

1 cc to Mr.S. Saravanakumar, Advocate, Sr. 57489

1 cc to Mr.T. Gandhi, Advocate, Sr. 57461

1 cc to Government Pleder, Sr. 57879

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SR (CO)
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