

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20824/2016

- 1.Mr.A.Kaliyan
- 2.A.Panchamoorthy
- 3.A.Raju
- 4.A.Kumar

Petitioners

Versus

- 1.The District Collector
Villupuram District, Villupuram.
- 2.The Revenue Divisional Officer
Thirukovilur Division,
Villupuram District.
- 3.The Tahsildar
Ulundurpet Taluk
Villupuram District 606107.
- 4.Mr.R.Nangooran
- 5.Perumal
- 6.Natesan
- 7.Aaran
- 8.Seenuvasan
- 9.Chellamuthu
- 10.Mayavari
- 11.Rajamanickam
- 12.Kolanji
- 13.Aaran

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 2nd respondent to dispose the petitioners appeal dated 05.12.2005 on the file of the 2nd respondent proceedings vide Na.Ka.A3/8311/2005 dated 02.07.2007 along with the petitioners representation dated 22.02.2016 on the file of the 2nd respondent to cancel the patta granted by the 3rd respondent in the name of 4th to 13th respondents and consequently change the patta in the name of the petitioners as per the previous records within the stipulated time fixed by this Court.

For Petitioners : Mr.R.Balaguruswamy

For RR 1 to 3 : Mr.R.A.S.Senthilvel, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The 1st petitioner and his deceased brother Adhimoolam [father of petitioners 2 to 4] filed OS.No.1366/1995 on the file of the Court of District Munsif, Ulundurpet, for partition and separate possession and other consequential relief and a preliminary decree for partition and separate possession came to be passed on 22.12.2000, in and by which, the plaintiffs/petitioner and his brother, were granted 2/3rd share in items 1 to 15 and 21 to 29. Thereafter, the petitioner filed execution petition in EP.No.276/2000 before the same Court and got delivery of possession vide order dated 25.04.2001. The rival claimants also filed OS.No.139/2001 on the file of the Court of Principal District Munsif, Ulundurpet against the 1st petitioner and his deceased brother for declaration and other consequential relief and the suit after contest, was dismissed on 25.06.2002 and the appeal filed by them in AS.No.31/2003 on the file of the Court of II Additional Subordinate Judge, Villupuram, also came to be dismissed on 31.12.2003 and it became final as no further challenge has been made. The grievance expressed by the 1st petitioner is that despite the Civil Court decrees in favour of the 1st petitioner and his brother who is no more, the revenue records have been changed by the concerned authorities without conducting proper enquiry and in this regard, the petitioner has submitted an Appeal Memorandum on 05.12.2005 to the 2nd respondent to cancel the patta granted in favour of the respondents 4 to 13 and also followed by very many personal representations and also the reminder dated 22.02.2016 and it was also acknowledged on the same day and despite that no orders have been and hence, the petitioners are constrained to file this writ petition.

3 Heard the learned counsel for the petitioners and Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's Appeal Memorandum in Na.Ka.No.A3/8311/2005 dated 05.12.2005 on merits and in accordance with law, after putting on notice the respondents 4 to 13 and pass orders within a period of twelve

weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 4 to 13.

5 The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector
Villupuram District, Villupuram.

2.The Revenue Divisional Officer
Thirukovilur Division,
Villupuram District.

3.The Tahsildar
Ulundurpet Taluk
Villupuram District 606107.

+1cc to M/S.R.Balaguruswamy, Advocate Sr.34225
+1cc to the Government Pleader Sr.34137

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srg 06/07/2016

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