

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20835/2016

A.Selvaperumal

.. Petitioner

Versus

1.The Tahsildar
Virudhachalam Taluk,
Cuddalore District 606107.

2.N.Chokalingam
3.K.Mutharasan
4.K.Panjacharam

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to cancel the patta No.1578, comprised in Survey No.355/8 and issue a fresh patta in favour of the petitioner.

For Petitioner : Mr.G.Ranganathan

For R1 : Mr.R.A.S.Senthilvel, AGP

ORDER

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

2 The petitioner would state that the landed property admeasuring to an extent of 14 cents out of the total extent of 56 cents in Survey No.355/8, situate at Palakollai village, Virudhachalam Taluk, Cuddalore District, was originally a Government Poramboke land and it was assigned in favour of the petitioner's predecessors, viz., Tvl.Muthusamy, Rathinasamy, Kesavan and Eagambaram, and Patta No.663 was also granted in their favour. A partition took place among them and the petitioner had succeeded to 14 cents of land by way of succession. The grievance expressed by the petitioner is that the concerned revenue authority, without giving a notice, had sub-divided 14 cents as six sub-division and assigned

S.No.355/8A, B, C, D, E and F and insofar as the petitioner land is concerned, it is assigned with S.No.355/8E. The petitioner would further state that taking advantage of the same, the 2nd respondent tried to encroach upon the property and he has also filed a suit in OS.No.95/2002 on the file of the Principal District Munsif, Virudhachalam, praying for declaration and other consequential reliefs and it was also decreed on 02.01.2012. The petitioner filed an appeal in AS.No.35/2005, on the file of the Court of Subordinate Judge, Virudhachalam and the appeal came to be decreed in his favour and no further challenge has been made to the said Judgment and decree. The grievance expressed by the petitioner is that though on account of re-survey, the assignment of land in S.No.355/8E was made in his favour, the 2nd respondent by fraudulent means, obtained patta in his name bearing No.1578 and in this regard, he has submitted a representation dated 04.04.2016 to the 1st respondent praying for cancellation of the same and issuance of fresh patta in favour of him and since no orders have been passed, the petitioner is constrained to file the present writ petition.

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

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 claim projected by the petitioner either in this writ petition or in his representation, directs the 1st respondent to consider and dispose of the petitioner's representation dated 04.04.2016 on merits and in accordance with law, after putting on notice the respondents 2 to 4 and pass orders within a period of ten 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 2 to 4.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

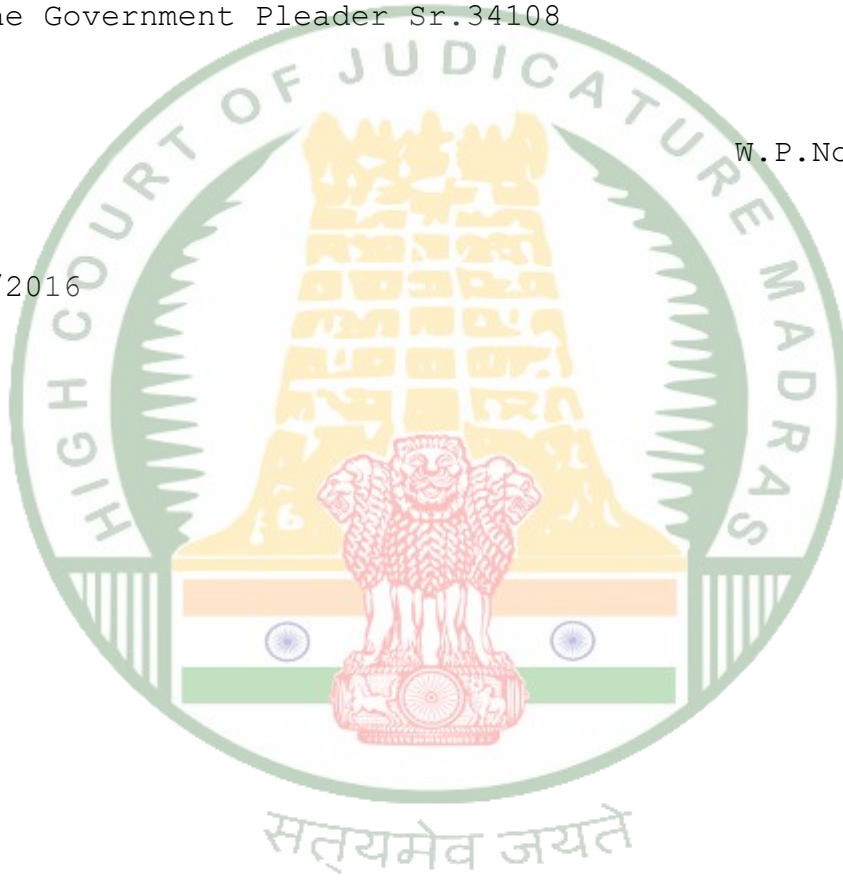
To

The Tahsildar
Virudhachalam Taluk,
Cuddalore District 606107.

+1cc to Mr.G.Ranganathan, Advocate Sr.33648
+1cc to the Government Pleader Sr.34108

W.P.No.20835/2016

ad[co]
srg 06/07/2016



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