

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.1303 of 2013

and

M.P.No.1 of 2013

P.P.Sivaswamy

.. Petitioner

-vs-

1.The District Collector,
Coimbatore District,
Coimbatore-641 018.

2.The Revenue Divisional Officer,
Coimbatore District,
Coimbatore-641 018.

3.R.Balasubramaniam

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to conduct an enquiry based on the representations of the Villagers of Periyaputhur Village, including the petitioner, dated 17.03.2008 and 28.05.2012 on the issuance of patta of 6 cents and 75 sq. feet in Natham Poramboke Government Land in Survey No.387/1A of Periyaputhur Village in Avinashi Taluk (now Kovai North Taluk) in R.Dis. HSD.4/61 on 14.02.1952 to Rangasamy son of Subbanna Gounder and to cancel the said patta, if found, it was wrongly issued and to restore the said Poramboke Natham Land to Government according to law.

For Petitioner : Mr.Prof.S.Krishnaswamy

For Respondents : Ms.R.Maheswari for R1 & R2
Mr.K.Govi Ganesan for R3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The learned counsel for respondent No.3 states that there is a Civil Court decree in favour of respondent No.3 in respect of the subject matter of land, where the petitioner, an Advocate Clerk, seeks to open the closed chapter qua the land, for which patta was issued on 14.02.1952.

2. We find that this is completely misconceived exercise, especially in view of the findings before the Civil Court, as also on account of the gross delay and laches. We suspect that this is either a proxy litigation or there is some animus behind it.

3. The writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Coimbatore District,
Coimbatore-641 018.

2.The Revenue Divisional Officer,
Coimbatore District,
Coimbatore-641 018.

+1cc to Mr.K. Govin Ganesan, Advocate, S.R.No.38905
+1cc to the Government Pleader, S.R.No.38779

BVR(CO)
EU(04/08/2016)

सत्यमेव जयते

W.P.No.1303 of 2013

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