

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24597 of 2016

Gurusamy

... Petitioner

Vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The Tahsildar,
Sendamangalam Taluk,
Namakkal District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to restore the revenue classification of the land measuring 2.64 acres bearing S.No.378/2, Akkiyampatti Village, Sendamangalam Taluk, Namakkal District to its original position as the petitioner's patta land by considering the representation dated 01.06.2015.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

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

2.The petitioner would state that he and his wife namely, Tmt.Chandra had purchased the land admeasuring to an extent of 2.52 acres in S.No.378/1, 2.64 acres in S.No.378/2 and 46 cents in S.No.378/3 in Akkiyampatti Village, Sendamangalam Taluk, Namakkal District through registered sale deeds bearing document no.1501/1974 dated 05.10.1974 and claims to be in possession and enjoyment of the same for the past 42 years and there is a rival claimant also since the respondents had erroneously classified a portion of his land as Government poramboke. In this regard,

the petitioner along with his wife had filed a suit in O.S.No.520 of 2009 on the file of the Additional District Munsif Court, Namakkal praying for declaration of title and for permanent injunction and the suit was decreed on 18.04.2011 as prayed for and no further challenge has been made to the said order and despite that, the revenue classification of the land in question has not been restored to its original position and in this regard, has also submitted a representation dated 01.06.2015 to the respondents and since no response is forthcoming, came forward to file this writ petition.

3.Heard the submissions of Mr.N.Manokaran, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents.

4.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the second respondent to consider and dispose of the petitioner's representation dated 01.06.2015, in accordance with law 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.

5.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Namakkal District, Namakkal.

2.The Tahsildar,
Sendamangalam Taluk, Namakkal District.

1 cc to Mr.N.Manokaran, Advocate, sr.40274
1 cc to Government Pleader, sr.40430

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svi co
kra 02.08.2016