

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25684 of 2016

And

W.M.P.No.22002 of 2016

M.Venugopal

... Petitioner

Vs.

1 The District Collector
Cuddalore District, Cuddalore.

2 The Tahsildar
Kurinjipadi Taluk,
Cuddalore District.

3 The President
Thambipettai Panchayath,
Thambipettai, Kurinjipadi Taluk,
Neiveli, Cuddalore.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from disturbing the peaceful possession and enjoyment of the petitioner of the land measuring 7968 sq.ft in S.No.84/2 of Thambipettai Village, Kurinjipadi Taluk, Cuddalore District except under due process of law.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.R.Govindasamy for R1 and R2
Special Government Pleader
Mr.B.Anandan for R3

O R D E R

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

2.The petitioner would claim that his father Muthu Naidu had purchased lands in Old S.No.94/1 and New S.No.84/2 of Thambipettai Village, Kurinjipadi Taluk, Cuddalore District admeasuring to an extent of 7968 sq.ft. and it is a natham land

and the petitioner would also admit that he is in possession and enjoyment of the same and would further state that though he applied for patta in respect of the said land, it is yet to be issued.

3.The petitioner would further state that in the election, he supported the candidature of the opposite party and aggrieved by the same, the third respondent has started interfering with the possession and enjoyment of the lands in S.No.84/2 of Thambipettai Village, Kurinjiipadi Taluk, Cuddalore District and the petitioner in this regard, has submitted representation dated 06.02.2016 to the respondents, Block Development Officer, Kurinjiipadi and Revenue Inspector, Office of the Tahsildar, Kurinjiipadi with copy marked to the third respondent and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.M.Selvam, learned counsel appearing for the petitioner, Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2 and Mr.B.Anandan, learned counsel who accepts notice on behalf of the third respondent and they would submit that even as per the petitioner's own admission, he claims to be in possession of the land admeasuring to an extent of 7968 sq.ft. in Old S.No.94/1 and New S.No.84/2 and it is a natham land and therefore, as a matter of right, he cannot claim patta and possession of the same.

5.This Court has considered the rival submissions.

6.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the second respondent along with a copy of this order as well as copy of the earlier representation dated 06.02.2016, within a period of two weeks from the date of receipt of a copy of this order and the second respondent on receipt of the same, shall consider the same, in accordance with law and pass orders, within a period of six weeks thereafter and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The District Collector
Cuddalore District, Cuddalore.

2 The Tahsildar
Kurinjipadi Taluk,
Cuddalore District.

3 The President
Thambipettai Panchayath,
Thambipettai, Kurinjipadi Taluk,
Neiveli, Cuddalore.

+1 cc to Government Pleader sr.41945

+1 cc to Mr.M.Selvam Advocate sr.41810

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