

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.28521 of 2016

P.Selvan @ Selvakumar

... Petitioner

Vs.

1. The District Collector,  
Coimbatore District,  
Coimbatore.

2. The Tahsildhar,  
Coimbatore South,  
Coimbatore.

3. R.Kannan

4. R.Sundar

5. C.R.P.Manogaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2<sup>nd</sup> respondent to consider the representation dated 22.03.2016 sent by the petitioner and direct the 2<sup>nd</sup> respondent to not to issue patta in favour of the 5<sup>th</sup> respondent.

For Petitioner : Mr.C.Veeraraghavan

For RR 1 & 2 : Mr.A.N.Thambidurai  
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would submit that his senior father Chinnan and his father namely Palani, have filed a suit in OS.No.1911/1984 on the file of the Court of Principal District Munsif, Coimbatore, for the relief of partition and separate possession and a preliminary decree came to be passed on 11.04.1985 followed by the final decree dated 29.12.2004 in IA.No.2397/1986 in the said suit. Thereafter, the father of the petitioner had approached the second respondent for issuance of patta and it was rejected on 26.08.2010 stating

that they have to avail the remedy before the competent Civil Court. The grievance expressed by the petitioner is that one of his junior fathers, namely, the 3<sup>rd</sup> respondent herein along with the 4<sup>th</sup> respondent, despite partition, had sold the property in favour of the 5<sup>th</sup> respondent who in turn, is attempting to get the patta in respect of the landed property comprised in S.Nos.416/2A, 2B and 2C, situated in Vadavalli village, Coimbatore Taluk and District. The petitioner, in this regard, has submitted a representation dated 22.03.2016 to the second respondent and since no orders have been passed, he came forward to file this Writ Petition.

3. Heard the submission made by Mr.C.Veeraraghavan, learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, Special Government Pleader, who accepts and takes notice on behalf of respondent 1 and 2.

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 second respondent to consider and dispose of the representation of the petitioner dated 22.03.2016 in accordance with law, after putting on notice, the respondents 3 to 5 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 3 to 5.

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

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rm/AP

To

1. The District Collector,  
Coimbatore District,  
Coimbatore.

2. The Tahsildhar,  
Coimbatore South,  
Coimbatore.

+1cc to Mr.C.Veeraraghavan, Advocate, S.R.No.46922

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AD(CO)

CA(01/09/2016)