

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5066 of 2016

Vellachi

... Petitioner

Vs.

1. The District Collector,
Salem.

2. The Tahsildar,
Yercaud,
Salem District.

3. Ramasamy

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the first respondent to consider the application made by the petitioner dated 4.5.2015 to cancel patta, adangal and other revenue records issued in the name of the 3rd respondent by the 2nd respondent with respect of the land existing in S.F.No.9/14 at Pattipadi Velur Village, Yercaud taluk, Salem District.

For Petitioner : Mr.R.Nalliyappan

For Respondents: : Mr.P.Rajalakshmi,
Govt.Advocate

सत्यमेव जयते
O R D E R

This Writ Petition has been filed praying for the issuance of a writ of mandamus, to direct the first respondent to consider the application made by the petitioner dated 4.5.2015 to cancel patta, adangal and other revenue records issued in the name of the 3rd respondent by the 2nd respondent with respect of the land existing in S.F.No.9/14 at Pattipadi Velur Village, Yercaud taluk, Salem District.

2. The petitioner is having agricultural land and house existing in S.F.No.9/14 at Pattipadi Velur Village, Yercaud taluk, Salem District and since the 3rd respondent was trying to disturb his possession, the petitioner filed a suit in

O.S.No.1397 of 2007 before the II Additional District Judge, Salem. The 3rd respondent also filed a suit in O.S.No.1274 of 2008 on the file of the I Additional District Munsif, Salem and both the suits are pending. While so, the Village Administrative Officer has issued Adangal in the name of the 3rd respondent. Hence, the petitioner made an objection in this regard to the second respondent. Considering the said objection, disciplinary proceedings were initiated against the said Village Administrative Officer and the adangal issued in the name of the 3rd respondent was cancelled. However, later the 2nd respondent issued patta in respect of the above said property in favour of the 3rd respondent without even hearing the petitioner and despite the fact that the civil court refused to grant order of interim injunction in favour of the 3rd respondent. Aggrieved by the same, the petitioner made an application before the first respondent on 4.5.2015 for necessary action. However, as there was no response forthcoming from the first respondent, the petitioner has come forward with the present writ petition.

3. Considering the facts and circumstances and also the fact that the application made by the petitioner on 4.5.2015 is still pending with the first respondent, the first respondent is directed to consider the same and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

suk

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Salem.

2. The Tahsildar,
Yercaud,
Salem District.

+ 1 cc to M/s.R.Nalliyappan, Advocate, SR 14738

+ 1 cc to Govt.Pleader, High Court, Madras SR 14659

rsk(co)

prk22/3

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