

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:4/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8135 of 2016

P.Selvarajan

..Petitioner

Vs.

1. The Revenue Divisional Officer/
Sub-Collector, Mettur 636 401,
Salem District.
 2. The Tahsildar, Mettur Taluk,
Mettur 606 401, Salem District.
 3. T. Manoharan
- ...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 conduct enquiry and pass necessary orders on the representation of the petitioner dated 2/2/2015 with respect to the cancellation of patta issued to the third respondent with respect to the land measuring 1.34 acres comprised in S.No.240/1C, P.N.Patty Village, Mettur Taluk, Salem District, after hearing the petitioner and the third respondent.

For Petitioner ...Mr.P.Mani

For Respondent ...Mr.M. Dig Vijaya Pandian
Additional Government Pleader

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O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.P.Mani, learned counsel for the petitioner and Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader for the respondents 1 and 2.

3. This writ petition has been filed praying to direct the first respondent to conduct enquiry and pass necessary orders, on the representation of the petitioner, dated 2/2/2015, with respect to the cancellation of patta, issued to the third respondent, to the land measuring 1.34 acres, comprised in S.No.240/1C, P.N.Patty Village, Mettur Taluk, Salem District, after hearing the petitioner and the third respondent.

4. The petitioner along with his mother, brother and sisters, filed a suit in O.S.No.463 of 1997, before the District Munsif, Mettur for declaration of their title over 1.44 acres in S.No.240/1 and for permanent injunction. The suit was decreed on 10/3/2003. The petitioner's paternal Uncle filed the appeal in A.S.No.25 of 2003 and the same was allowed on 25/11/2003. Hence the petitioner and others had filed Second Appeal. While the Second Appeal was pending consideration, the paternal Uncle of the petitioner, illegally settled the lands measuring 1.34 acres in S.No.240/1C in favour of his son T.Manoharan/third respondent. Hence the petitioner sent his objection dated 10/12/2013 to the respondents 1 and 2. Despite the petitioner's objections, the second respondent transferred the patta in favour of the third respondent, without issuing notice to the petitioner and without conducting enquiry. Even though the first respondent acknowledged the said appeal/representation, he did not conduct any enquiry nor passed any order. Hence the petitioner has come forward with the present writ petition praying for the relief as stated therein.

5. Without going into the merits of the claim of the petitioner, the petitioner is hereby directed to give a copy of the representation, dated 2/2/2015, to the first respondent, along with a copy of this order, within a period of one week, from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to conduct enquiry and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks, thereafter, by affording an opportunity of personal hearing, to the petitioner as well to the necessary parties. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

6. With the above direction, this writ petition is disposed of. No costs.
mvs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

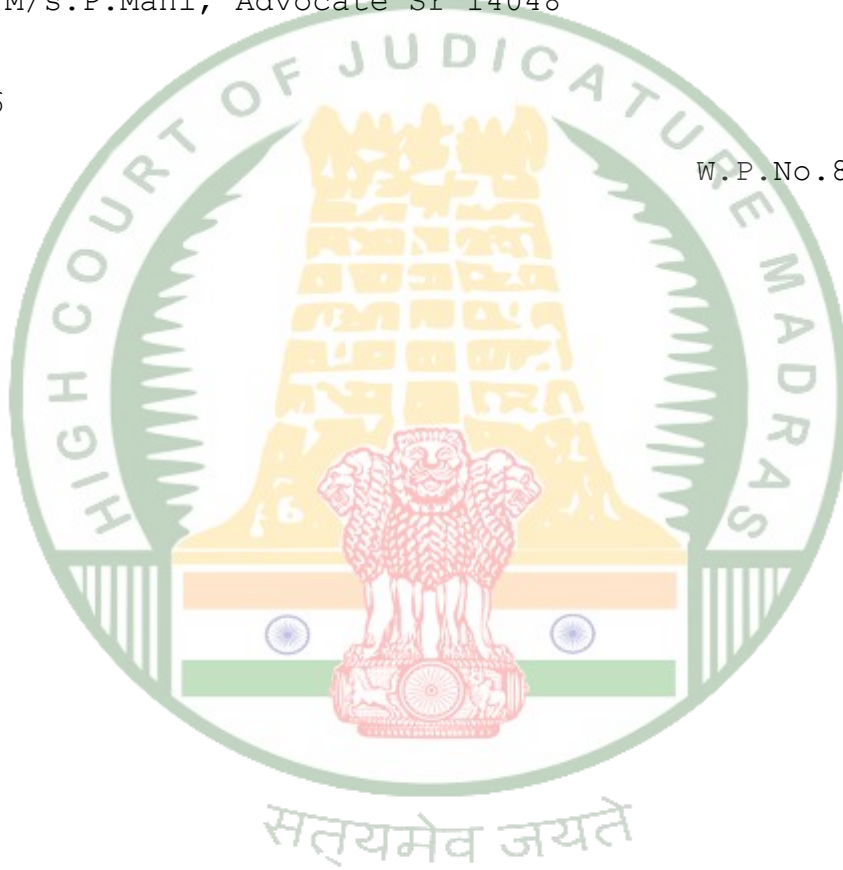
1. The Revenue Divisional Officer/
Sub-Collector, Mettur 636 401.
Salem District.
2. The Tahsildar, Mettur Taluk,
Mettur 606 401, Salem District.

+ 1 cc to The Govt.Pleader, Sr 14278

+ 1 cc to M/s.P.Mani, Advocate Sr 14048

KR/15/3/16

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