

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8955 of 2016

Manimozhi

...

Petitioner

Vs

1. The Collector
Namakkal District
Namakkal.
2. The Revenue Divisional Officer
Namakkal
3. The Tahsildar
Rasipuram Taluk
Namakkal District.
4. Thiru.S.Adhiyaman ... 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 respondents 1 to 3 to pass orders on the representation dated 18/1/2016 seeking cancellation of patta issued in favour of the third respondent, on merits, within a stipulated time by affording an opportunity to the aggrieved party viz the 4th respondent.

For Petitioner Mr.L.Chandrakumar

For respondent ... Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R.R.1 to 3.

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.

2. Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the respondents 1 to 3.

3. This writ petition has been filed praying to direct the respondents 1 to 3, to pass orders on the representation, dated 18/1/2016, seeking cancellation of patta, issued in favour of the third respondent, on merits, within a stipulated time.

4. The case of the petitioner is that S.No.95/38 in Mollapalayam Village is classified as public pathway and survey numbers 95/37 and 97/37 belongs to Mariamman temple, as per revenue records. But the said public pathway is trespassed by one S.Adhiyaman/fourth respondent and got patta No.538 in his name. Hence the petitioner had submitted a representation, to the respondents, to cancel the patta No.538 stands in the name of the fourth respondent. Since the respondents had not taken any action, the petitioner has come up with the present writ petition.

5. Without going into the merits of the claim of the petitioner, the second respondent is hereby directed, to conduct enquiry on the representation, made by the petitioner, dated 18/1/2016, and pass an appropriate order, on merits and in accordance with law, within a period of six weeks, from the date of receipt of a copy of this order, by affording an opportunity of personal hearing to the petitioner, as well as to all the necessary parties concerned including the fourth respondent. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner.

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

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

mvs.

To

1. The Collector
Namakkal District
Namakkal.
2. The Revenue Divisional Officer
Namakkal

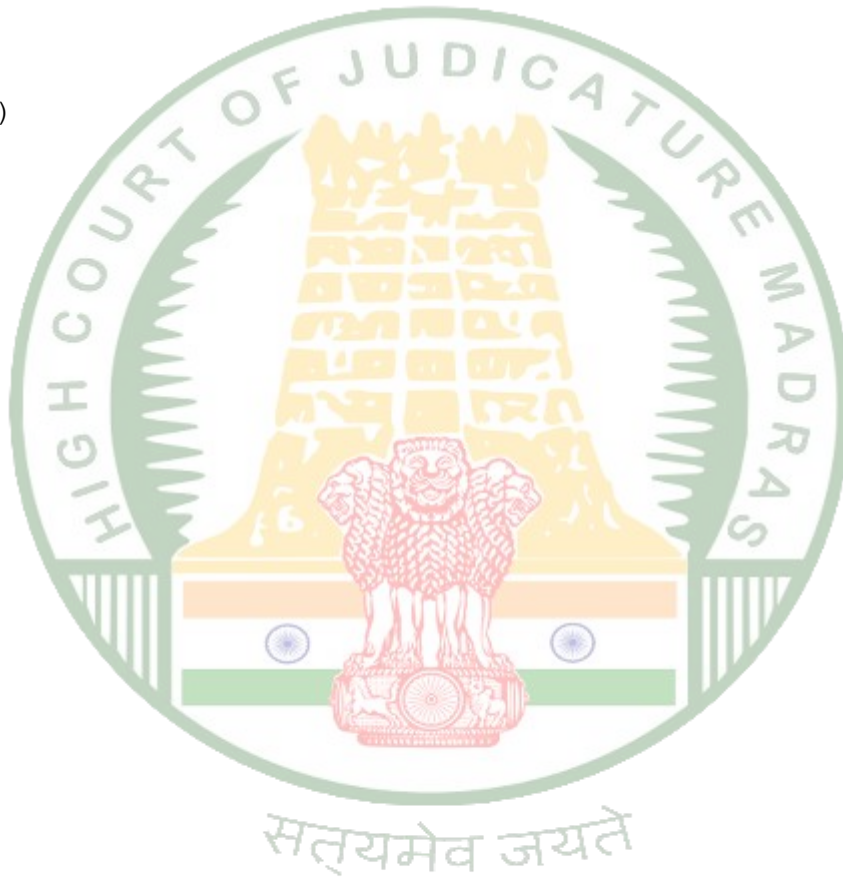
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3. The Tahsildar
Rasipuram Taluk
Namakkal District.

1 cc to Mr.L. Chandrakumar, Advocate, Sr. 15611
1 cc to Government Pleader, Sr. 15718

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SCD (CO)
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