

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.8961 of 2016

C.Muthusamy

... Petitioner

Vs

1. The District Collector
Coimbatore District
Coimbatore 641 001.

2. The District Revenue Officer
Coimbatore
Coimbatore District.

3. The Sub-Collector
Pollachi
Coimbatore District.

4. The Tahsildar
Tahsildar Office
Kinathukadavu
Coimbatore District.

5. The Tahsildar
Tahsildar office
Pollachi
Coimbatore District.

... 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 fifth respondent to consider the representation dated 29/1/2016 sent by the petitioner and direct the fifth respondent not to change the entries in the revenue records in favour of third parties within the time stipulated by this Court.

For Petitioner ... Mr.C.Veeraraghavan

For respondents ... 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.

2. Heard Mr.C.Veeraraghavan, learned counsel for the petitioner and Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader for the respondents.

3. This writ petition has been filed praying to direct the fifth respondent, to consider the representation, dated 29/1/2016, sent by the petitioner and direct the fifth respondent, not to change the entries in the revenue records, in favour of third parties, within the time stipulated by this Court.

4. The case of the petitioner is that the petitioner is the owner of the property, situated in S.F.No.143/1 to an extent of 2.38.50 hectare, at No.10 Muthur in Sangarayapuram majara in Kinathukadavu Taluk, Coimbatore District. Originally, the property belonged to one Sellappa Gounder and he has got two sons and one daughter namely, Chinnasamy Gounder, Perumalsamy Gounder and Athammal. The said Sellappa Gounder died in the year 1980 and Chinnasamy Gounder died in the year 2011. The petitioner, who is the son of Chinnasamy Gounder along with the sons of Perumalsamy Gounder are the co-owners of the properties.

5. Sellappa Gounder, Chinnasamy Gounder and Perumalsamy Gounder, partitioned their ancestral properties, on 3/11/1966, by way of partition deed. The properties comprised in S.F.No.143, situated in No.10 Muthur in Sangarayapuram Majara in Kinathukadavu Taluk, Coimbatore District was allotted to Chinnasamy Gounder and the properties comprised in S.F.Nos.22 and 23 situated in No.10 Muthur in Sangarayapuram majara in Kinathukadavu Taluk, Coimbatore District was allotted to Perumalsamy Gounder.

6. The properties situated in S.F.No.143/1 in No.10 Muthur in Sangarayapuram majara in Kinathukadavu Taluk, Coimbatore District which has been allotted to Chinnasamy Gounder is in possession and enjoyment of the petitioner and other legal heirs, while so, the third respondent, initiated proceedings in Na.Ka.No.3512/13/B1, dated 28/10/2013, on the basis of the appeal preferred by one Raghavbalaji. The third respondent passed an order, cancelling the patta issued in favour of the petitioner and others. On the basis of the records submitted by the fifth respondent, the third respondent cancelled the patta granted in favour of the petitioner.

7. Thereafter, the petitioner and others filed a writ petition in W.P.No.9431 of 2014, on the ground that no notice has been served, as per Section 10 (3) (a) of the Tamil Nadu Patta Pass Book Act, but the said writ petition was withdrawn by the petitioner, with a liberty to prefer revision against the order of the third respondent before the District Revenue Officer. The petitioner had preferred a revision before the second respondent and the second respondent, dismissed the same. Now, the dispute is pending before the Civil Court. While so, on the basis of the order passed by the second respondent, the fifth respondent is trying to change the entries in the patta in favour of one Chithra. Hence the petitioner had made a representation to the fifth respondent on 29/1/2016, not to change the entries in the revenue records. Since the fifth respondent has not taken any action, the petitioner has come up with the present writ petition.

8. Without going into the merits of the claim of the petitioner, the fifth respondent is hereby directed, to consider the representation of the petitioner, dated 29/1/2016, and pass an appropriate order, on merits and in accordance with law, within a period of eight 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. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

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

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Coimbatore District
Coimbatore 641 001.
2. The District Revenue Officer
Coimbatore
Coimbatore District.
3. The Sub-Collector
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4. The Tahsildar
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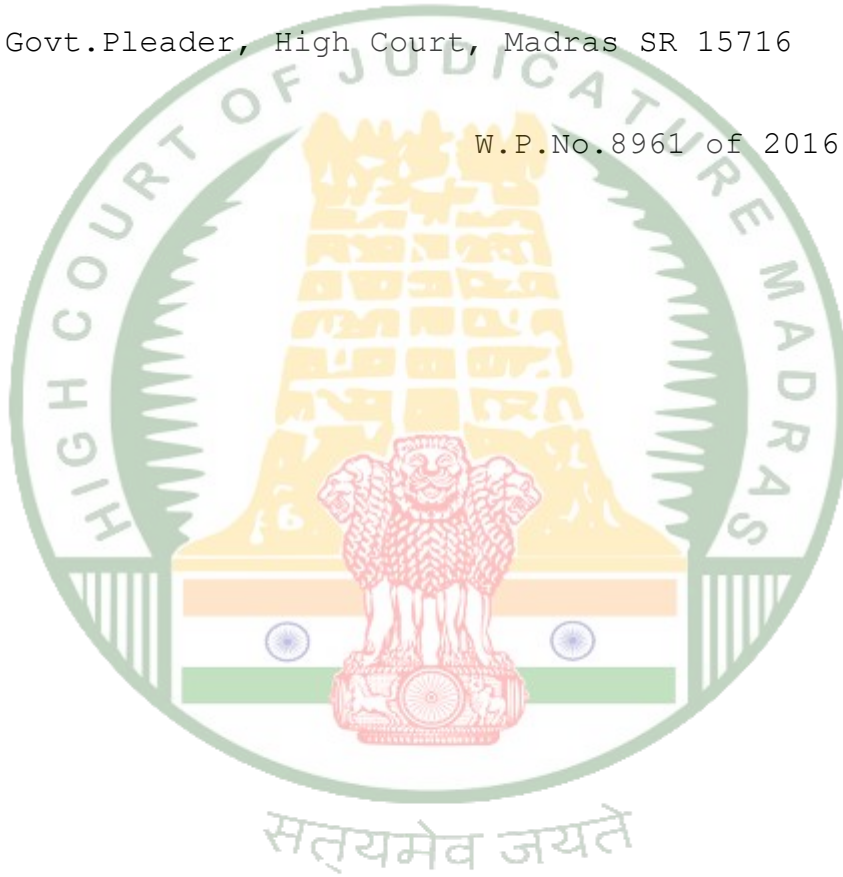
5. The Tahsildar
Tahsildar office
Pollachi
Coimbatore District.

+ 1 cc to Mr.C.Veeraraghavan, Advocate, SR 15563

+ 1 cc to Govt.Pleader, High Court, Madras SR 15716

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10/3/2016

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