

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9115 of 2016

Sakthivel

.. Petitioner

Vs.

1. The District Collector,
Krishnagiri, Krishnagiri District.

2. The District Revenue Officer,
Krishnagiri,
Krishnagiri District.

3. The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

4. The Tahsildhar,
Pochampalli,
Krishnagiri District.

5. Ramasamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to cancel the UDR patta in favour of the fifth respondent and also to issue patta in respect of 2.50 cents of land lying in Survey No.875, Vaalipatti Village, Rangampatti Taraff, Pochampalli Taluk, Krishnagiri District.

For Petitioner : Ms.N.Sureka

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl.G.P. for RR-1 to 4

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to cancel the UDR patta which was issued in favour of the fifth respondent and also to issue patta in respect of 2.50 cents of land lying in Survey No.875, Vaalipatti Village, Rangampatti Taraff, Pochampalli Taluk, Krishnagiri District.

2. It is the case of the petitioner that the above property was originally purchased by his mother in the year 1958 and in the family oral partition, he got his share, in which, he has built a house and residing there for about 20 years and in exclusive possession and enjoyment without interruption. It is the grievance of the petitioner that for the said land, UDR patta has been granted in favour of the fifth respondent. Hence, the petitioner made a representation to the respondents 1 to 4. He also applied for patta in his name, but there was no response from the respondents 1 to 4. Therefore, he gave a petition to the first and second respondents on 16.11.2015. Though the Tahsildar asked the petitioner to appear on 21.12.2015 for enquiry, there is no further progress. Hence, the petitioner gave a petition in Jama Pandhi to the first respondent. Since no patta had been issued till date in his favour in respect of the above property, he has filed this Writ Petition for the above said relief.

3. Heard both sides. In view of the order that is going to be passed in this Writ Petition, it is not necessary to give notice to the fifth respondent.

4. Taking into consideration the facts and circumstances of the case, this Court directs the petitioner to give a fresh representation to the second respondent for the above grievance, within a period of one week from the date of receipt of a copy of this order, along with a copy of this order. On receipt of such representation, the second respondent is directed to consider the said representation, conduct enquiry and give an opportunity of personal hearing to the petitioner and other necessary parties, including the fifth respondent and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the case projected by the petitioner and it is for the second respondent to decide the issue purely on merits.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

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Sd/-
Asst.Registrar (CS IV)
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Sub Asst. Registrar

cs

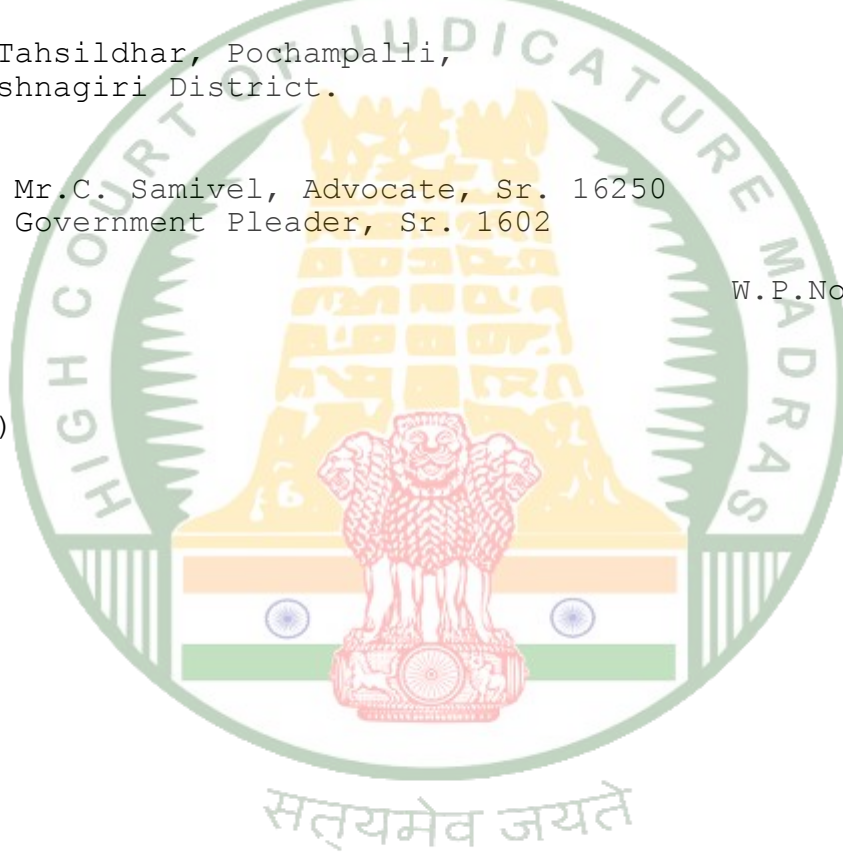
To

1. The District Collector,
Krishnagiri, Krishnagiri District.
2. The District Revenue Officer,
Krishnagiri, Krishnagiri District.
3. The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.
4. The Tahsildhar, Pochampalli,
Krishnagiri District.

1 cc to Mr.C. Samivel, Advocate, Sr. 16250
1 cc to Government Pleader, Sr. 1602

W.P.No.9115 of 2016

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