

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.06.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.14535 of 2017
W.M.P.No.15762 of 2017

1. K.Govindaraj
2. S.Srinivasan
3. A.Ravikumar
4. S.Palani

... Petitioners

Vs

1. The District Collector,
Krishnagiri District.
2. The District Revenue Officer,
Krishnagiri District.
3. Special Tahsildar (A)
Krishnagiri Taluk,
Krishnagiri District.
4. Gnanasekaran
5. Lakshmi
6. Gowri ammal
7. Vedaiappan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st to 3rd respondent to initiate action against the respondents 4 to 7 in pursuant to petition dated 22.05.2017 by the petitioners to the respondents 1 to 3 to set aside the alleged assignments of S.No.361/2 as S.No.361/2 to 361/7 dated 27.05.1980 by the 3rd respondent and correspondingly withdraw the sub-divisions and FMB map drawn by the competent authority by conducting a fresh enquiry after giving sufficient opportunity to them as well as the persons claiming right over property in terms of an alleged assignment of sub-divisions effected by the competent authority and delete the name of the assignees and issue patta in the name of the petitioners in respect of the properties comprised in S.No.361/2, (S.No.361/2 to 361/7)

Chowtahalli Village, Krishnagiri District in terms of the sale deed dated 30.11.1918 registered as Doc.No.2830/1918 on the file of present Joint Registrar II, Krishnagiri District forthwith and consequently forbear the respondents from interfering with the petitioners rights and possession and enjoyment in the above said property.

For Petitioners : Mr.G.Ethirajulu

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader (R1-3)

ORDER

Mr.A.N.Thambidurai, learned Special Government Pleader, takes notice for the respondents 1 to 3.

2. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

3. The petitioners have filed the above writ petition to issue a writ of mandamus, directing the respondents 1 to 3 to initiate action against the respondents 4 to 7 pursuant to the petition dated 22.05.2017 made by the petitioners to the respondents 1 to 3 to set aside the alleged assignments of S.No.361/2 as S.No.361/2 to 361/7 dated 27.05.1980 by the 3rd respondent and correspondingly withdraw the sub-divisions and FMB map drawn by the competent authority by conducting a fresh enquiry after giving sufficient opportunity to them as well as the persons claiming right over property in terms of an alleged assignment of sub-divisions effected by the competent authority and delete the name of the assignees and issue patta in their name in respect of the properties comprised in S.No.361/2, (S.No.361/2 to 361/7) Chowtahalli Village, Krishnagiri District in terms of the sale deed dated 30.11.1918, registered as Doc.No.2830/1918 on the file of the Joint Registrar II, Krishnagiri District forthwith and consequently forbear the respondents from interfering with their rights and possession and enjoyment of the same.

4. When the matter is taken up for hearing, the learned counsel appearing for the petitioners submitted that it would be suffice to direct the 2nd respondent to consider the petitioners' representation dated 22.05.2017 and pass orders in accordance with law.

5. The learned Special Government Pleader, appearing for the respondents 1 to 3 submitted that 2nd respondent may be directed to consider the petitioners' representation in

accordance with law, after giving notice to all the interested parties.

6. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer now sought for by the learned counsel for the petitioners, without expressing any opinion with regard to the merits of the case, I direct the second respondent to consider the petitioners' representation dated 22.05.2017 and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order, after giving notice to all the interested parties.

With the above observation, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

at
To

1. The District Collector,
Krishnagiri District.
2. The District Revenue Officer,
Krishnagiri District.
3. Special Tahsildar (A)
Krishnagiri Taluk,
Krishnagiri District.

+1cc to the Government Pleader Sr.42137

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srg 21/06/2017