BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.06.2017

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**
AND
THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

W.A.(MD) Nos.753 & 754 of 2013
and
M.P.(MD).No.1 of 2013

T.Lakshmi ... Appellant/Petitioner in W.A.No.753 of 2013

T.Tamilvanan ... Appellant/Petitioner in W.A.No.754 of 2013

Vs.

1. The District Collector,
   Collectorate Complex,
   Trichy District, Trichy.

2. The Revenue Divisional Officer,
   Trichy.

3. The Tahsildar,
   Manaparai Taluk,
   Trichy District. ... Respondents/Respondents in both writ appeals

PRAYER: Writ Appeals are filed under Clause 15 of Letters Patent to set aside the order dated 24.07.2012 made in W.P.Nos.9256 & 9257 of 2012 and allow the writ appeals.

Prayer in WP(MD). 9256/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the 3rd respondent to grant patta in favour of the petitioner for the land with extent of 0.22.5 Hectares bearing survey No781/4, situated in Sevaloor, Kallaoothupatti, Manaparai Taluk, Trichy District.

Prayer in WP(MD). 9257/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the 3rd Respondent to grant Patta in favour of the Petitioner for the land with extent of 0.22.5 Hectares bearing Survey No.781/3 situated in Sevaloor, Kallaoothupatti, Manapparai Taluk, Trichy District.

For Appellants : Mr.V.Raghavachari
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

COMMON JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM,J]

Heard Mr.V.Raghavachari, learned counsel appearing for the appellants and Mr.V.R.Shanmuganathan, Special Government Pleader appearing for the respondents.

2.These appeals have been filed challenging the orders passed in W.P.Nos.9256 & 9257 of 2012. The appellants sought for issuance of writ of mandamus directing the third respondent to grant patta in their favour in respect of said property. In the writ petitions, The Tahsildar filed counter affidavit stating that the appellants claims patta based on the order of assignment and the said order of assignment is a bogus documents and in this regard he has submitted his recommendation to the District Revenue Officer, Trichirapalli vide his proceedings in Na.Ka.B2/4858 of 2010, dated 24.11.2011 to cancel the order of assignment granted in favour of the appellants. In paragraph 7 of the counter affidavit filed by the third respondent would admit that the matter is still pending consideration by the District Revenue Officer, Tiruchirappalli. Thus, in the light of the factual position, the respondents should conduct an enquiry to ascertain as to whether the order of assignment said to have been issued in favour of the appellant is genuine or bogus document. Therefore, we are inclined to issue a proper direction to the District Revenue Officer.

3.In the result, the writ appeals are allowed and the impugned orders are set aside and we direct the District Revenue Officer, Tiruchirappalli to issue a show cause notice to the appellant and conduct an enquiry based on the report submitted by the third respondent in his proceedings in Na.Ka.B2/4858/2010, dated 24.11.2011 and to ascertain the genuineness of the order of assignment and passed an order on merits and in accordance with law. **Since the District Revenue Officer, Tiruchirappalli is not a**

party to the proceedings, the Registry is directed to communicate the order to the District Revenue Officer, Tiruchirappalli. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
   Collectorate Complex,
   Trichy District,
   Trichy.

2. The Revenue Divisional Officer,
   Trichy.

3. The Tahsildar,
   Manaparai Taluk,
   Trichy District.

4. The District Revenue Officer,
   Trichirappalli.

+ 1 CC TO Mr.V.RAGHAVACHARI, ADVOCATE IN SR No. 59195
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59240

AM
TE/SV-MMS/SAR-II : 21/06/2017 : 3P/7C

W.A.(MD) No.753 & 754 of 2013 and
M.P.(MD).No.1 of 2013
06.06.2017