



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

WEB COPY

W.P. (MD) No. 1980 of 2011andM.P (MD) NO. 1 of 2011

Malaisamy

... Petitioner

-Vs-

1. The District Collector,
Theni District,
Theni.
2. The Tahsildar,
Periyakulam,
Theni District.
3. The Executive Engineer,
Tamil Nadu Electricity Board,
Theni.
4. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Periyakulam Taluk,
Theni District.

5. Sulthan

6. Pounsamy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second Respondent to cancel the Patta granted in favour of the Respondents 5 & 6 and consequentially to forbear the third Respondent from transferring the E.B. connections in favour of the fifth Respondent.

For Petitioner	: Mr. Mohammed Imran, for m/s. M. Ajmal Khan.
For R-1 & R-2	: No appearance
For R-3 & R-4	: Mrs. Srimathy, for Mr. S. M. S. Johny Basha.
For R-5 & R-6	: No appearance

ORDER

The prayer in this writ petition is for a direction to the second respondent to cancel the patta granted in favour of the



Respondents 5 & 6 based on his representation dated 21.01.2011.

2. The case of the petitioner is that the land to an extent of 1 Acre 63 cents was assigned in favour of one Kaman Madari. After his demise, the petitioner has purchased the land from his legal heirs through a registered sale deed, dated 15.11.2010. While so, the second respondent has issued patta in favour of the respondents 5 to 6. Therefore, the petitioner gave a representation to cancel the patta on 21.01.2011. Since no order was passed, the present writ petition has been filed.

3. Heard Mr.Mohammed Imran, learned counsel for the petitioner, Mr.A.Muthu Karuppan, learned Additional Government Pleader for the respondents 1 and 2 and Mrs.Srimathy, learned counsel for the respondents 3 and 4. Despite the names of the respondents 5 and 6 are printed in the cause list, none appears for the respondents 5 and 6.

4. It is the case of the petitioner that he belongs to Scheduled Caste Community and the panjami land, assigned in favour of the said Kaman Madari, can be purchased only by the person belongs to Adhi Dravidar Community.

5. In view of the above circumstances, since the petitioner had given a representation on 21.01.2011, the petitioner is directed to give a fresh representation to the second respondent by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the second respondent is directed to consider the representation of the petitioner and pass orders on merits and in accordance with law after providing opportunity to all the necessary parties within a period of twelve weeks therefrom.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar



To

1. The District Collector,
Theni District,
Theni.

2. The Tahsildar,
Periyakulam,
Theni District.

3. The Executive Engineer,
Tamil Nadu Electricity Board,
Theni.

4. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Periyakulam Taluk,
Theni District.

+ 1 CC TO M/S.AJMAL ASSOCIATES, IN SR No.77764
SM
MK/MR KKR/SAR-2/3P/6C/21.09.2017

W.P. (MD) No.1980 of 2011
08.09.2011