

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10713 of 2018

K.Sampath

.. Petitioner

-vs-

1.The District Collector
Villupuram
Villupuram District

2.Revenue Divisional Officer
Tindivanam Range
Villupuram District

3.Thasildar
Melamalaiyanur Taluk
Villupuram District

4.Minor Govarthanan
Rep. By Guardian Sundari
Thayanor Village
Melamalaiaynur (Taluk)
Villupuram (District)

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 12.03.2018 which is given for cancellation of the patta issued to Minor Gowarthan and to issue patta in my favour for the land in Survey No.153/2 extent of Acres 2.10 cents situated at Thayanur Village, Melmalaiyanur Taluk, Villupuram District.

For Petitioners :: Mr.V.Vadivel

For Respondents 1 to 3 :: Mr.V.Jayaprakash Narayanan
Spl. Govt. Pleader

ORDER

The petitioner, claiming to be the owner of the land comprised in Survey No.153/2 having extent of 2.10 acres situated in Thayanur Taluk, Melmalaiyanur Taluk, Villupuram

District, has produced a patta issued by Special Tahsildar, Zone I, Gingee indicating that the land covered in S.No.153/2 has been in possession of the petitioner's father K.Kuppaiah Pillai and as the petitioner is the son and legal heir of K.Kuppaiah Pillai, he inherited the above said land and he is in continuous possession. Since the petitioner is serving as a bus conductor in a private company, he was unable to cultivate the land and subsequently, when he went to pay the tax, he came to know that the patta, which was granted in the name of his father, has been changed in favour of one Venkatesa Pillai. On further verification, it was found that the said Venkatesa Pillai has also paid tax in the year 2010 in patta No.212. Hence, the petitioner has given a representation to the 2nd respondent, the Revenue Divisional Officer, Tindivanam to cancel the patta in the name of the fourth respondent. Since the said representation has not been considered till date, the petitioner has filed the present writ petition.

2. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, accepted notice on behalf of the respondents 1 to 3 and sought four weeks time to get instructions.

3. However, considering the limited scope of the prayer, this Court directs the second respondent to consider the representation given by the petitioner and pass orders based on previous revenue records and patta issued in the name of petitioner's father. The second respondent is also directed to hold proper enquiry after issuing notice to the petitioner and the fourth respondent and other rival parties, if any.

The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

gpa

To

1.The District Collector
Villupuram
Villupuram

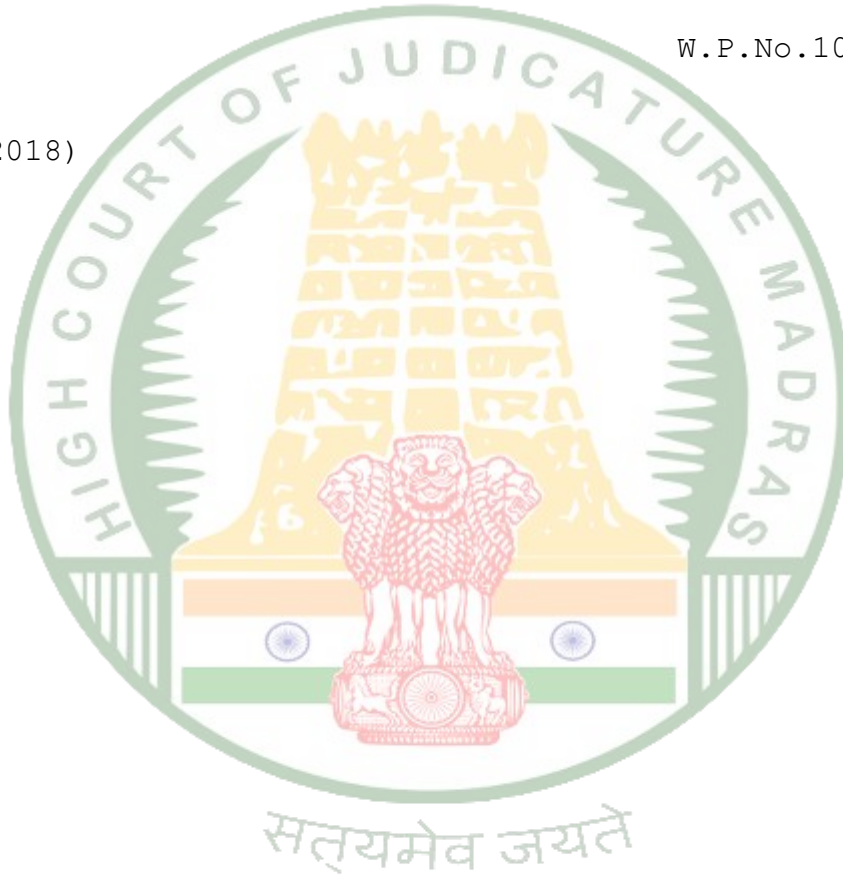
2.Revenue Divisional Officer
Tindivanam Range
Villupuram District

3.Thasildar
Melamalaiyanur Taluk
Villupuram District

+1cc to Mr.V.Vadivel, Advocate SR.No.31637
+1cc to Government Pleader SR.No.32733

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NRL (CO)
GN(18/05/2018)



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