

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5938 of 2018

R.Govindasamy
S/o.Ramasamy

.. Petitioner

versus

1.The Revenue Divisional Officer
Revenue Divisional Office
Thiruvannamalai District.

2.The Tahsildar
Thandarampattu Taluk
Thiruvannamalai District - 606 708.

3.The District Collector
Thiruvannamalai District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to conduct proper survey of the properties which comprised in Survey No.54/2B of Kuberapattinam Village, Melmuthanoor Madhura, Thandarampattu Taluk, Thiruvannamalai District, measuring to an extent of Acre 5.50 cents to find out the correct sub division for the correct Pattadhars and cancel all Pattas, which were wrongly granted to various persons and wrongly classified by the respondents as Grama Natham and Patta land, to grant Patta to and in favour of the petitioner and other legal heirs of Ramasamy in respect of 24 cents survey No.54/2B1 which was the remaining properties of total extent of 2.18 cents, after sold out an extent of 1.94 cents, by the petitioner's father Ramasamy to various persons with mentioning of specific extents and four boundaries and to grant Patta to and in favour of the petitioner and other legal heirs of Ramasamy in respect of Acre 1.02 cents in Survey No.54/2B2 to B96, which was the remaining properties, after acquired by the respondents to an extent of Acre 2.30 cents.

For Petitioner: Mr.N.Muthukrishnan

For Respondents: Mr.E.Balamurugan

Special Government Pleader

O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for the following relief:

Directing the 1st respondent to conduct proper survey of the properties which comprised in Survey No.54/2B of Kuberapattinam Village, Melmuthanoor Madhura, Thandarampattu Taluk, Thiruvanamalai District, measuring to an extent of Acre 5.50 cents, to find out the correct sub division for the correct Pattadhars and cancel all Pattas, which were wrongly granted to various persons and wrongly classified by the respondents as Grama Natham and Patta land and to grant Patta to and in favour of the petitioner and other legal heirs of Ramasamy in respect of 24 cents survey No.54/2B1 which was the remaining properties of total extent of 2.18 cents, after sold out an extent of 1.94 cents, by the petitioner's father Ramasamy to various persons with mentioning of specific extents and four boundaries and to grant Patta to and in favour of the petitioner and other legal heirs of Ramasamy in respect of Acre 1.02 cents in Survey No.54/2B2 to B96, which was the remaining properties, after acquired by the respondents to an extent of Acre 2.30 cents.

3. Heard both sides.

4. It is seen that the very same petitioner approached this Court and filed a writ petition in WP.No.25475 of 2017, seeking for mandamus directing the Revenue Divisional Officer and the Tahsildar to dispose of his representation dated 30.05.2017 for granting Patta in respect of the subject matter land, after conducting proper enquiry and survey of entire extent of property. It is further seen that the writ petition was disposed of by this Court on 22.09.2017, by directing the Tahsildar, who was the second respondent therein, to consider the petitioner's representation dated 30.05.2017 and pass orders in accordance with law, after giving notice to all the interested parties. Thereafter, the Tahsildar passed a detailed order on 11.12.2017, rejecting the request of the petitioner. Challenging the said order, the petitioner has already filed an appeal before the first respondent on 23.12.2017. Now, it is stated that the said appeal is pending before the first respondent.

5. Considering the above stated facts and circumstances and without expressing any view on the merits of the claim made by the petitioner in the appeal, this writ petition is disposed of, only with a direction to the first respondent to consider the appeal filed by the petitioner dated 23.12.2017 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner and the other interested parties, if any. Such exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

mk

To

1.The Revenue Divisional Officer
Revenue Divisional Office
Thiruvannamalai District.

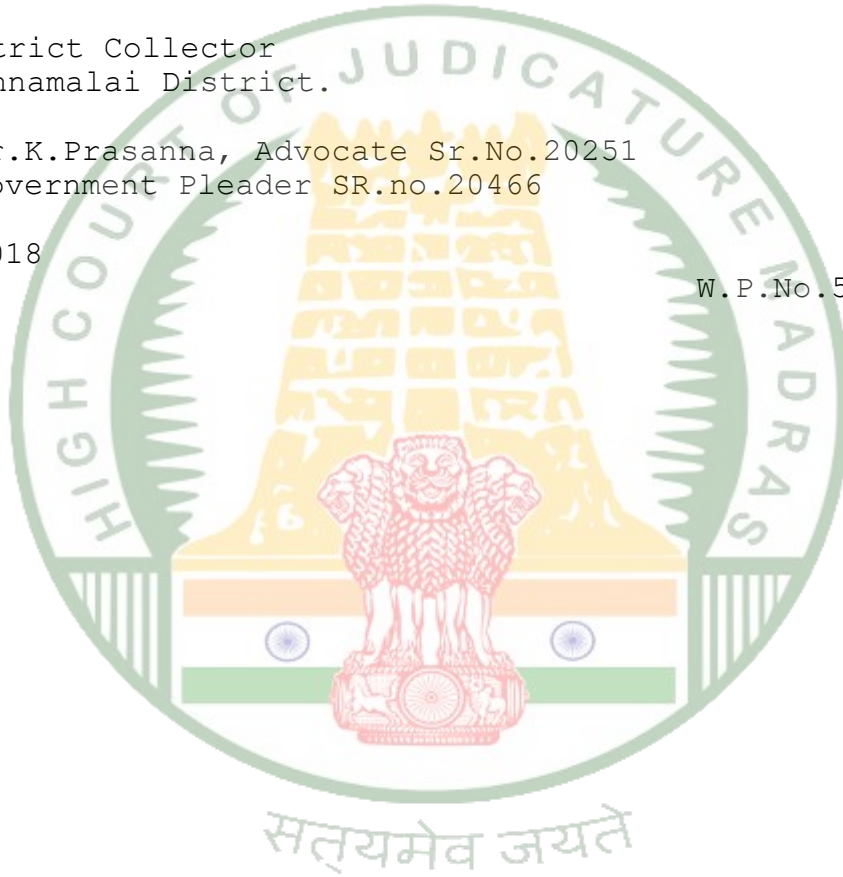
2.The Tahsildar
Thandarampattu Taluk
Thiruvannamalai District - 606 708.

3.The District Collector
Thiruvannamalai District.

+lcc to Mr.K.Prasanna, Advocate Sr.No.20251
+lcc to Government Pleader SR.no.20466

sm:22.3.2018

W.P.No.5938 of 2018



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