

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.10.2018

CORAM :
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3519 of 2013
and
M.P.Nos.2 and 3 of 2013

M.Selvam

... Petitioner

vs.

1. The District Collector,
Collectorate, Sathuvachary,
Vellore, Vellore District.
2. The Tahsildar,
Gudiyatham Taluk,
Vellore District.
3. The Zonal Deputy Tahsildar,
Gudiyatham Taluk Office, Gudiyatham,
Vellore District.
4. The Commissioner,
Gudiyatham Municipality,
Gudiyatham,
Vellore District.
5. The Sub Registrar,
Gudiyatham Sub Registrar Office,
Gudiyatham,
Vellore District.
6. The Inspector of Police,
Anti Land Grabbing Special Wing,
Vellore, Vellore District.

7. K.V.S.Dinakaravasan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus calling for the records relating to the orders dated 03.01.2013 made in PTA.625/1422 passed by the 3rd respondent, quash the same consequently direct the respondents 1 to 4 to restore the mutation of records relating to the properties measuring 3.29 acres comprised in T.S.No.669/2, Ward No.5, Block No.7, Gudiyatham Town, Vellore District in petitioner's name and

take action against the erring persons.

For Petitioner :M/s. N.Manokaran

For Respondents :Mr. D.Raghu for R1-R3,R5,R6
Government Advocate

Mr.M.Perumal for R4
Mr.C.V.Vijayakumar for R7

O R D E R

The relief sought for in the present writ petition is to quash the order of rejection rejecting the claim of the writ petitioner to include the name of the 7th respondent in the patta as a Co-pattadhar and consequently direct the respondents 1 to 4 to restore the mutation of records relating to the properties measuring 3.29 acres comprised in T.S.No.669/2, Ward No.5, Block No.7, Gudiyatham Town, Vellore District in petitioner's name and take action against the erring persons.

2. The learned counsel for the writ petitioner brought to the notice of this Court that during the pendency of the writ petition, the civil suit filed in respect of the property in question in O.S.No.220/2008 reached finality. The judgement and decree was passed by the Sub Court, Vellore on 17.02.2016. The learned Counsel for the petitioner states that the decree is in favour of the writ petitioner and the title is also declared in favour of the writ petitioner.

3. In view of the judgement and decree passed by the Civil Court, this Court is of an opinion that the 2nd respondent Tahsildar has to reconsider the entire facts and circumstances and the legal position and take a decision and pass appropriate orders after affording reasonable opportunity to all the parties concerned. In this view of the matter the impugned orders passed by the 3rd respondent in proceeding No.PTA.625/1422 is quashed.

4. Accordingly, the 2nd respondent Tahsildar is directed to undertake the process of enquiry by affording reasonable opportunity to all the parties concerned and accordingly take a decision and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

5. The writ petitioner, 3rd respondent and all other necessary parties are permitted to submit their applications / explanations / objections / documents to the Tahsildar, Gudiyatham Taluk, Vellore District within a period of 2 weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands disposed of. However, there shall be no

orders as to costs. Consequently connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pkn

To

- 1.The District Collector,
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Vellore, Vellore District.
- 2.The Tahsildar,
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Vellore District.
- 3.The Zonal Deputy Tahsildar,
Gudiyatham Taluk Office, Gudiyatham,
Vellore District.
- 4.The Commissioner,
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- 5.The Sub Registrar,
Gudiyatham Sub Registrar Office,
Gudiyatham,
Vellore District.
- 6.The Inspector of Police,
Anti Land Grabbing Special Wing,
Vellore, Vellore District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.74104
+1cc to the Government Pleader, S.R.No.74407

W.P.No.3519 of 2013

RV(CO)

rrs 28/11/2018