

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN
Writ Petition No.22922 of 2017

P.Suresh Kumar

... Petitioner

Vs.

1.The District Collector,
Collectorate, Salem - 636 001.

2.The District Revenue Officer,
Collectorate, Salem - 636 001.

3.The Revenue Divisional Officer,
Collectorate, Salem - 636 001.

4.The Tahsildar,
Manakkadu,
Hasthampatti
Salem - 636 007.

5.Govindasamy

6.Thulasi

7.Prema

8.Gayathri

9.Premkumar

10.Sathya

(R5 to R10 were impleaded as per the order
of this Court dated 05.09.2017 in WMP.No.24664/2017)

... Respondents

Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the fourth respondent to carry out necessary changes in Taluk Accounts, Chitta and Computer Entries by restoring the name of the petitioner as owner of the property in Patta No.496 in Survey Nos.48/2 to an extent of 2.11 acres and in S.No.81/1 to an extent of 5.16 acres of Kannankurichi Village by deleting the names of Govindasamy, Prema, Gayathri, Premkumar and Sathya and in respect of property in patta No.556 in Survey No.150/1 of Kondappa Naickanpatti Village of Hasthampatti Taluk and Salem District to an extent of 0.59 cent, by deleting the names of Thulasi, Prema, Sathya, Gayathri and Premkumar and to issue fresh patta in the name of the petitioner, within the

time limit as fixed by this Court and impose heavy cost on fourth respondent for dereliction of his duty.

For Petitioner :Mr.R.Baskaradoss
For R1 to R4 :Mr.V.Jayaprakash Narayanan, SGP
For R5, 7 to 10:Mr.K.R.Tamizhmani, No appearance

O R D E R

The prayer made in this writ petition is to direct the fourth respondent to carry out the necessary changes in taluk accounts, Chitta and Computer entries by restoring the name of the petitioner as owner of the properties in Patta No.496 in Survey Nos.48/2 and 81/1 of Kannankurichi Village by deleting the names of the respondents 5 and 7 to 10 and in patta No.556 in Survey No.150/1 of Kondappa Naickanpatti Village, Hasthampatti Taluk, Salem District by deleting the names of the respondents 6 to 10 and issue fresh pattas to the petitioner.

2.Upon notice, the fourth respondent filed a detailed counter affidavit on 20.11.2017, inter alia, stating that after filing of the application by the petitioner with regard to disposal of the suits in O.S.Nos.311/2001 and 503/2003, pending on the file of the Sub Court, Salem, his claim would be considered and appropriate orders would be passed by the fourth respondent.

3.Today, when the matter is taken up for consideration, the learned counsel for the petitioner submitted that the civil suits pending among the parties viz., O.S.Nos.311/2001 and 503/2003 came to be disposed of, by the Principal Sub Court, Salem, vide Judgments dated 07.07.2009 and 24.08.2005 respectively and hence, there can be no impediment for the fourth respondent to consider the claim of the petitioner, as prayed for in this writ petition.

4.Heard the learned Special Government Pleader appearing for the respondents 1 to 4, who submitted that the fourth respondent would consider the representation of the petitioner, in the light of the judgments passed by the civil court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the fourth respondent to consider the petitioner's representation dated 28.06.2017 on the basis of the materials placed by him as well as the judgments passed by the civil court in the aforesaid suits and pass appropriate orders, on merits and in accordance with law, after affording an opportunity

of personal hearing to the petitioner, the respondents 5 to 10 as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order.

6.This writ petition stands disposed of in the above terms. No costs.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Collectorate, Salem - 636 001.

2.The District Revenue Officer,
Collectorate, Salem - 636 001.

3.The Revenue Divisional Officer,
Collectorate, Salem - 636 001.

4.The Tahsildar,
Manakkadu,
Hasthampatti
Salem - 636 007.

+1 CC TO GOVERNMENT PLEADER SR.NO. 64955

+1cc to Mr.R.Baskaradoss , Advocate SR.No. 64668

Writ Petition No.22922 of 2017

ASK(13/11/2018)

सत्यमेव जयते

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