

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.21752 of 2018

Munusamy

..Petitioner

Vs

1.The District Collector,
Krishnagiri District,
Krishnagiri - 635 115.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Hosur, Krishnagiri District - 635 109.

3.The Tahsildar,
Shoolagiri Taluk Office,
Krishnagiri District.

4.R.Venkatesh

5.P.Mallesw

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the third respondent to consider and pass orders on the representation dated 03.07.2018 and sent by the petitioner within a stipulated period and in accordance with law.

For Petitioner : Mr.K.Govi Ganesan

For Respondents: Mr.V.Shanmuga Sundar

Special Government Pleader
for R1 to R3

O R D E R

Mr.V.Shanmuga Sundar, learned Special Government Pleader takes notice for the respondents 1 to 3. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this writ petition is for a mandamus, directing the third respondent to consider and pass orders on the petitioner's representation dated 03.07.2018 within a stipulated period.

3. The case of the petitioner is that the properties in S.F.Nos.25/2, 29/4 and 29/5, measuring to an extent of 1.81 acres, 0.55 acre and 1.56 acres respectively at A.Chettipalli Village, Shoolagiri Taluk, Krishnagiri District, originally belonged to his father. At the time of issuance of UDR patta, it was wrongly issued in the names of one Ramiah, who is the father of the respondents 4 and 5 and one Sakaralappa. The said Ramiah instituted a suit in O.S.No.635/1987, before the District Munsif Court, Hosur against the petitioner and the same was dismissed, which was challenged in A.S.No.81 of 1996 before the Sub Court, Hosur. By a judgement and decree dated 04.07.1996, the appeal was dismissed, against which, he filed a second appeal in S.A.No.1795/1996, before this Court. This Court, by a judgement and decree dated 11.12.2007, dismissed the said second appeal. Aggrieved against the same he filed SLP (Civil) No.6014 of 2008 before the Apex Court, which was also dismissed on 03.01.2014. Based on the same, the petitioner made a representation to the respondents 1 to 3, to cancel the UDR patta and issue a separate patta in favour of the petitioner. Finding no response on the said representation, the petitioner is before this Court.

4. The learned Special Government Pleader taking notice for the respondents 1 to 3 submitted that the representation of the petitioner be considered by the third respondent on merits and in accordance with law.

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, without going into the merits of the case, directs the third respondent to dispose of the representation of the petitioner dated 03.07.2018, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Krishnagiri District,
Krishnagiri - 635 115.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Hosur, Krishnagiri District - 635 109.

3.The Tahsildar,
Shoolagiri Taluk Office,
Krishnagiri District.

+ 1 cc to Mr. K. Govi Ganesan, Advocate Sr.58565
+ 1 cc to Government Pleader Sr.813

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VGI(CO)
EU(24/09/2018)



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