

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.149 of 2018

P.Pattulingam

...Petitioner

vs.

1. The District Revenue Officer,
Coimbatore.

2. The Tahsildar,
Annur Taluk,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to dispose of the petition for recovery of the lands belonging to the petitioner and petitioner's brothers and sisters situate at Old Paimash No.88 and Present S.No.88/1 measuring 3 Acres in Kunnathur Village, Annur Taluk, Coimbatore District within a strict time frame fixed by this Court.

For Petitioner : Mr.T.S.Vijaya Raghavan

For Respondents : Mr.D.Suryanarayanan
Additional Government Pleader.

सत्यमेव जयते
O R D E R

Mr.D.Suryanarayanan, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the writ petition is taken up for final disposal.

2. The petitioner seeks for a Mandamus directing the respondents to dispose of his petition for recovery of the lands belonging to him and his brothers and sisters situated at Old Paimash No.88 and Present S.No.88/1 measuring 3 Acres in Kunnathur Village, Annur Taluk, Coimbatore District.

3. The petitioner claims that the subject matter lands were originally given to his ancestors as panjami lands and however,

during the year 1921, 1923 and 1936, some third parties from different community have taken those lands by way of sale for moneys from their forefathers. Now, after a period of nearly 96 years, the petitioner seeks to recover the said lands from those purchasers and for which purpose he made a request which is sought to be disposed of through this writ petition.

4. I do not think that the present writ petition can be entertained, based on the very fact as narrated by the petitioner himself in the affidavit that the sale in favour of those third parties of the subject matter lands had taken place as early as in the year 1921, 1923 and 1936 and that the petitioner or his ancestors or their forefathers have not taken any steps to question such sale within a period of limitation or atleast within a reasonable time. Now, the petitioner wants to give life to a dead wood, that too, after a period of 96 years. I do not think that the petitioner is entitled to succeed in his attempt, as this Court is of the considered view that all those alienation made 96 years earlier cannot be questioned by the petitioner as such challenge is clearly barred by limitation. Thus, I find no merits to enter the writ petition and accordingly, the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

vsi

To

1. The District Revenue Officer,
Coimbatore.

2. The Tahsildar,
Annur Taluk,
Coimbatore District.

+1cc to Mr.T.S.Vijaya Raghavan, Advocate SR.No.1007

+1cc to Government Pleader SR.No.1158

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SS(CO)
GN(25/01/2018)