

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18117 of 2018

P.Duraisamy

.. Petitioner

-vs-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.
2. The District Collector,
Tirupur District.
3. The District Revenue Officer,
District Collector Office,
Tiruppur.
4. The District Registrar,
No.82, Raj Complex, P.N.Road,
Tiruppur District.
5. The Sub-Registrar,
No.8, Kovai Road,
Taluk Office Compound,
Kangayam, Tiruppur District-638 701.
6. The Tahsildar,
Office of the Tahsildar,
Kangayam Taluk,
Tiruppur District.

7. K.M.Nataraj
8. K.M.Periyasamy
9. S.Vijayakumari

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 2 and 3 to cancel the patta No.994 issued by the 6th respondent in the names of respondents 7 and 8 in respect of the land comprised in S.F.No.85 (New No.16/6) at Sivanmalai Village, Kangayam Taluk, Tiruppur District and consequently, direct the respondents 2, 3 and 6 to survey and mark the land of the

respondents 7 and 8 as covered by Document No.1006 of 1976 dated 02.07.1976 and lay the boundary stones for the same by considering the petitioner's representation and complaint dated 09.05.2018 and 11.6.2018.

For Petitioner :: Mr.D.Gopal

For Respondents :: Mr.T.M.Pappiah, Spl.G.P.
For R1, 4 and 5
Mrs.P.Rajalakshmi, AGP
for R2, 3 and 6

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 to cancel the patta No.994 issued by the 6th respondent in the names of respondents 7 and 8 in respect of the land comprised in S.F.No.85 (New No.16/6) at Sivanmalai Village, Kangayam Taluk, Tiruppur District and consequently, direct the respondents 2, 3 and 6 to survey and mark the land of the respondents 7 and 8 as covered by Document No.1006 of 1976 dated 02.07.1976 and lay the boundary stones for the same by considering the petitioner's representation and complaint dated 09.05.2018 and 11.6.2018.

2. Learned Counsel appearing for the petitioner submitted that on the basis of the Registered Sale Deed dated 02.07.1976, the father of the petitioner has sold to an extent of 3.10 acres of land in S.F.No.85 (New No.16/6) at Sivanmalai Village in favour of one Muthusamy Gounder. In the said sale deed, it has been specifically mentioned that there is a common pathway without indicating the extent of the pathway. While so, on 28.4.2018, the said Muthusamy Gounder and his children, the respondents 7 and 8 were attempting to alienate more than the land covered under the sale deed dated 2.7.1976 including the pathway. In this regard, the petitioner has raised some objection with the respondents 7 and 8. But it was not heard by them. Therefore, he has approached the 2nd respondent with a representation dated 9.5.2018 marking a copy to the Tahsildar, Kangayam Taluk, Tiruppur District. But, till date, no action is taken. Hence, a direction be issued to the District Collector to consider the petitioner's representation and complaint dated 09.05.2018 and 11.06.2018.

3. Heard the learned Special Government Pleader appearing for the respondents 1, 4 and 5 and the learned Additional Government Pleader appearing for the respondents 2, 3 and 6.

4. The Additional Government Pleader appearing for the respondents 2, 3 and 6 submitted that the representation of the petitioner dated 9.5.2018 presented before the District

Collector, Tiruppur District marking a copy to the Tahsildar, Kangayam, has been looked into by the District Collector, who in turn, directed the Tahsildar, Kangayam, to consider the request of the petitioner after conducting an enquiry and submit a report back to the District Collector, Tiruppur. After receipt of the report from the Tahsildar, Kangayam, final orders would be passed on the said representation.

5. Considering the facts and circumstances of the matter, this Court directs the Tahsildar, Kangayam to hold enquiry expeditiously after giving notice to the affected parties and submit a report to the District Collector, Tiruppur District, within a period of four weeks from the date of receipt of a copy of this Order, who in turn, on receipt of the report, shall pass a final order within a period of two weeks thereafter.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

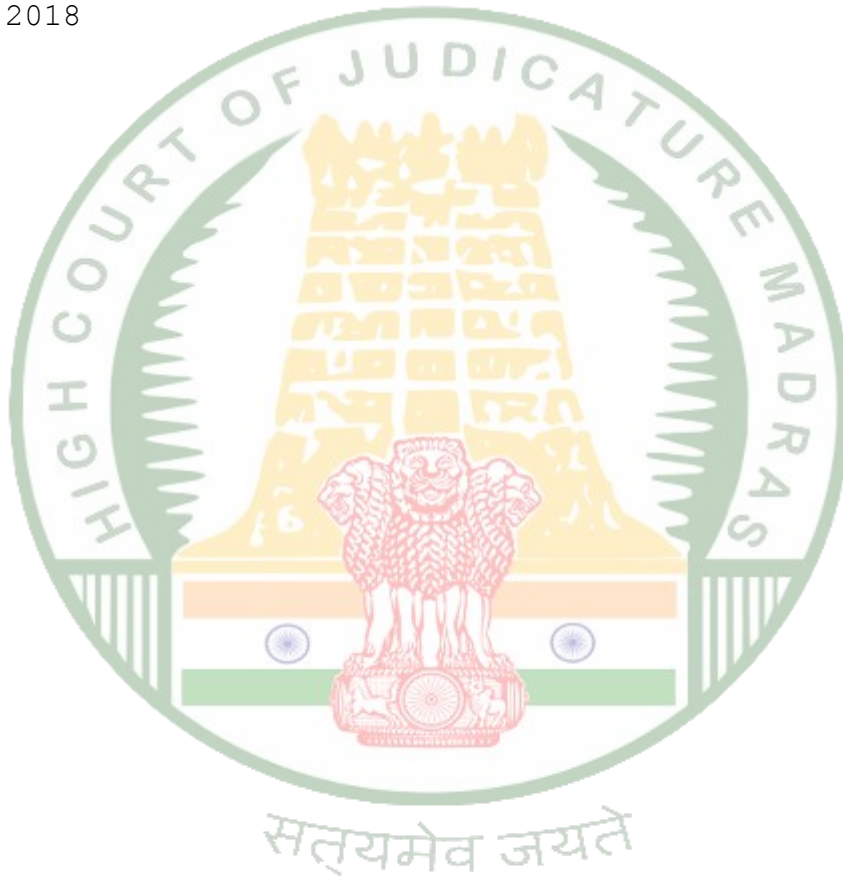
1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.
2. The District Collector,
Tirupur District.
3. The District Revenue Officer,
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6. The Tahsildar,
Office of the Tahsildar,
Kangayam Taluk,
Tiruppur District.

+1cc to Mr.D.Gopal, Advocate, S.R.No.47502
+1cc to the Government Pleader, S.R.No.48101

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VD(CO)
SMI/09.08.2018



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