

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.34819 of 2013
& M.P.No.1 of 2013

P.Amutha

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Mettur Revenue Division,
Mettur Dam-1,
Salem District.
2. The Tahsildar,
Mettur Taluk,
Mettur Dam,
Salem District.
3. O.L.Govindharaj

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents from taking any action for cancellation of house site patta granted in favour of the petitioner as per the proceedings of 2nd respondent in Appendix XIX, HSD.878/09, dated 28.02.2009 by the 2nd respondent in respect of land comprised in Ward-B, Block No.7, S.No.8-23/1 to an extent of 2 1/2 cents (990 sq.fts) except by following the procedure established by law.

For Petitioner : M/s.G.Sankaran

For Respondents : Mr.N.Manikandan, G.A.

ORDER

The petitioner has come up with this writ petition for issuance of a writ of mandamus to forbear the respondents from taking any action for cancellation of house site patta granted in favour of the petitioner as per the proceedings of 2nd respondent in Appendix XIX, HSD.878/09, dated 28.02.2009 by the 2nd respondent in respect of land comprised in Ward-B, Block No.7, S.No.8-23/1 to an extent of 2 1/2 cents (990 sq.fts) except by following the procedure established by law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2 and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner is in occupation and enjoyment of the property in Plot No.8-23/1 in Mettur Municipality, and he was also issued with patta. Since the the official respondents initiated proceedings to cancel the patta at the instance of the 3rd respondent, the present writ petition is filed apprehending that without providing an opportunity, the order might be passed.

4. The learned Government Advocate appearing for the respondents 1 & 2 submitted that there is no proof for submitting representation to the respondents and if a fresh representation is given, it would be considered in accordance with law.

5. In the light of the above submission, the petitioner is directed to give a fresh representation to the respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order, if the cause of action still survives. On such compliance, the official respondents shall consider the petitioner's representation and pass orders on merits and in accordance with law, after providing opportunity to the necessary parties.

With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

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सत्यमेव जयते
Sub Assistant Registrar

pvs

To

1. The Revenue Divisional Officer,
Mettur Revenue Division,
Mettur Dam-1, Salem District.

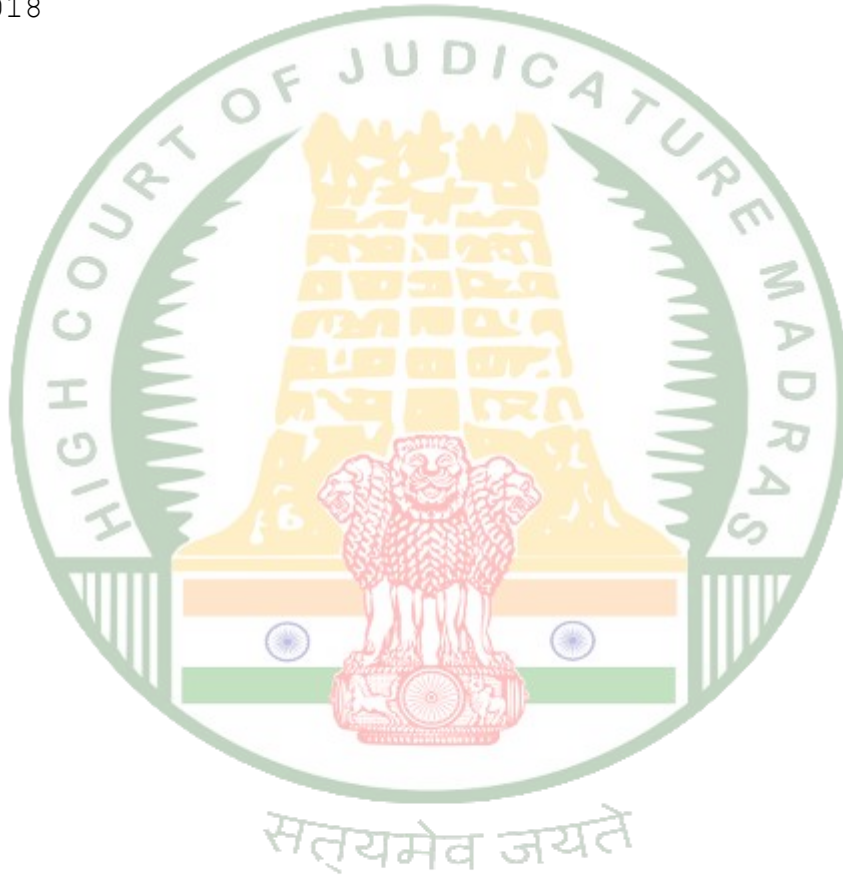
2. The Tahsildar,
Mettur Taluk,
Mettur Dam, Salem District.

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+1 cc to M/s.G.Sankaran Advocate sr 8197

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