

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.26158 of 2012
and MP.No.1 of 2012

1. E.Ravi
2. E.Raghu

..Petitioners

Vs.

1. The District Collector,
Tiruvannamalai District.
2. The Tahsildar,
Polur Taluk,
Tiruvannamalai District.
3. Smt.Kathayee Ammal

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 02.07.2012 and thereby direct the respondents 1 and 2 to recover the property in Survey No.154/2 D.C. Condition land at Kovoor Village, Polur Taluk, Tiruvannamalai District to an extent of 4.52 acres of land and handover the same to the petitioners family.

For Petitioners : Mr.B.Gopalakrishnan
For Respondents : Mrs.K.S.Suresh, G.A. for RR1 & 2
Mr.A.Prakash, for R3

ORDER

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

2. This Writ Petition has been filed for issuing a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 02.07.2012 and recover the property in Survey No.154/2 situated at Kovoor Village, Polur Taluk, Tiruvannamalai District

3. It seems that the Government has assigned agriculture land to an extent of 4.52 acres in Survey No.154/2 in favour of the petitioner's grand father, viz., Munusamy in

the year 1965. The said land was mortgaged in favour of the third respondent on 04.04.1980 and subsequently on 11.07.1986, a sale deed was executed in favour of the third respondent.

4. The learned counsel for the third respondent would state that in the year 2010, the third respondent sold the property to one Ramesh, through a registered sale deed. After lapse of 22 years, the grand children of the original assignee has come up with this Writ Petition.

5. It is pertinent to note that the land was sold in the year 1986, during the lifetime of the petitioner's grandfather and father, no challenge was made to the sale and after twenty six years, this Writ Petition came to be filed without any explanation for the enormous delay. Hence, this Court does not find any merit in this Writ Petition. The Writ Petition fails and the same is dismissed. However, after dismissal of the Writ Petition, the learned counsel seeks liberty to approach the Civil Court for appropriate remedy. Hence, the Writ Petition is dismissed with the said liberty. No costs. Consequently, connected miscellaneous petition is closed.

pvs

Sd/-

Deputy Registrar

// True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Tiruvannamalai District.

2. The Tahsildar,
Polur Taluk,
Tiruvannamalai District.

+ 1 cc to Mr.B.Gopalakrishnan, Advocate Sr 63748

+ 1 CC to Mr.A.Prakash, Advocate Sr 63732

+ 1 cc to The Govt. Pleader, Sr 64182

KR/11/10/18

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