

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.10.2018

CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.25218 of 2018 and
WMP No.29324 of 2018

S.Sivalingam

...Petitioner

-vs-

- 1.The District Collector,
Office at Collectorate, Salem.
- 2.The Revenue Divisional Officer,
Sankari Town, Sankari Taluk, Salem District.
- 3.The Tahsildar,
Sankari Town, Sankari Taluk, Salem District.
- 4.Saravanan
- 5.Kanimozhi

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to dispose of the representation of the petitioner dated 05.07.2018 concerning the lands comprised in Survey No.114/5 and 6 Old No.13/1 situated in Kanakagiri Village, Kakapalayam, Sankagiri Taluk, Salem District in accordance with law.

For Petitioner : Mr.C.Ramesh

For Respondents : Mr.J.Pothiraj
Special Govt.Pleader for R1 to R3
No appearance for R4 and R5

O R D E R

[Order of the Court was delivered by
K.K.SASIDHARAN, J.]

The petitioner has come up with this writ petition invoking the writ jurisdiction of this Court with a grievance that notwithstanding the rejection of the earlier application for patta submitted by the mother of the 4th respondent and upholding the said order by the Appellate Authority, the third respondent issued a patta in favour of the 5th respondent. The issuance of patta was not in the know of local people who were using the subject land for the purpose of performing local

temple festival. The petitioner immediately on receipt of the information with regard to the grant of patta in favour of the 5th respondent submitted series of representations to respondents 1 to 3. Since follow up action was not taken by the statutory authorities, the petitioner has come up with the present writ petition.

2. Since the petitioner alleged that inspite of rejection of the application for patta earlier, the application from the respondents 4 and 5 was entertained and patta was granted, we issued notice to the District Collector and called upon her to file counter affidavit.

3. The District Collector in her affidavit filed today contended that pursuant to the Civil Court decree, the application submitted by the respondents 4 and 5 was taken up for consideration and ultimately, Patta was granted.

4. None appears on behalf of respondents 4 and 5 inspite of printing the name of the counsel in the cause list.

5. The learned counsel for the petitioner on instructions submitted that the petitioner has already filed appeal before the second respondent challenging the order dated 19 February 2018.

6. We direct the second respondent to consider and dispose of the statutory appeal filed by the petitioner on merits and in accordance with law after issuing notice to respondents 4 and 5. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Office at Collectorate, Salem.

2.The Revenue Divisional Officer,
Sankari Town, Sankari Taluk,
Salem District.

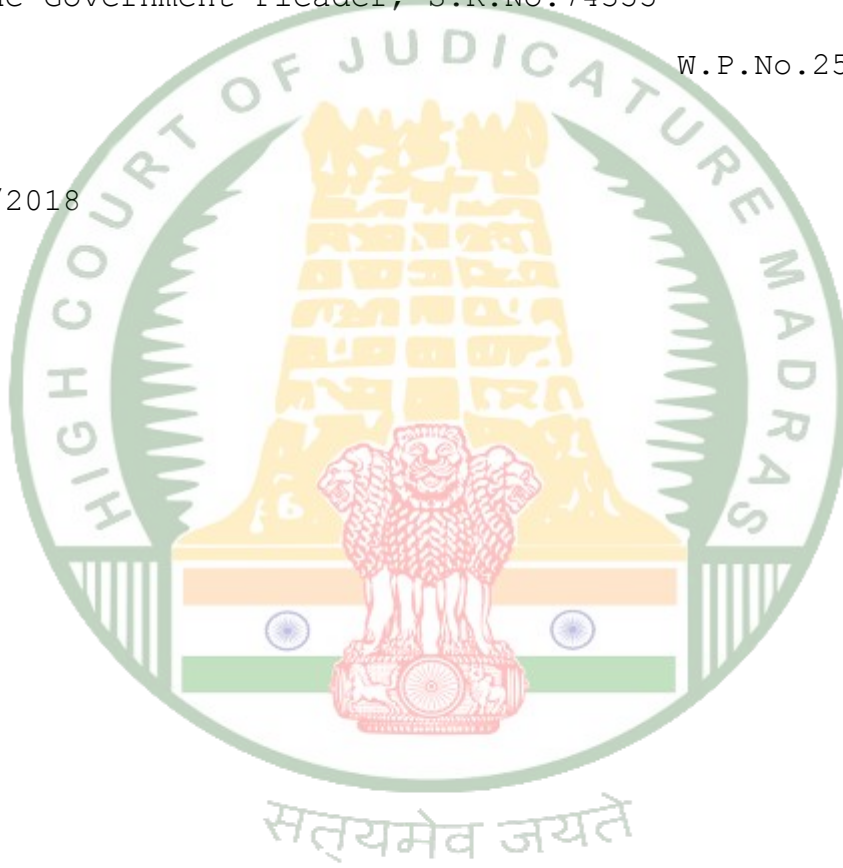
3.The Tahsildar,
Sankari Town, Sankari Taluk,
Salem District.

+1cc to Mr.V.R.Rajasekaran, Advocate, S.R.No.73840
+1cc to Mr.C.Ramesh, Advocate, S.R.No.74780
+1cc to the Government Pleader, S.R.No.74355

W.P.No.25218 of 2018

KK(CO)

rrs 20/11/2018



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