

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.08.2019
CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. No.18145 of 2009
and
M.P.No.2 of 2009

1.P.Jayalakshmi
2.P.Viji
3.Pattu
4.Rani
5.Kathayi
6.Rani
7.Pachaiyammal
8.Parameswari
9.P.Periasamy
10.Uma
11.Selvarasu
12.Amutha
13.Elumalai
14.Kanajana
15.Shantha
16.Renukambal
17.Subramani
18.Manimala

...Petitioners

Vs.

1.The District Collector
Villupuram District,
Villupuram

2.The Revenue Divisional Officer,
Dindivanam,
Villupuram District.

3.The Tahsildar
Ginjee,
Villupuram District

.. Respondents

Prayer: The Writ Petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ of Certiorarified Mandamus to call for the records of the second respondent passed in proceedings Na.Ka.No.A3-4849-07 dated 27.11.2008 quash the same and consequently direct the respondents not to alienate the petitioners from the enjoyment and prosession of their premises at Thazhangunam Madura Annanagar Village, Thazhangunam post, Gingee Taluk, Villupuram District comprised in R.S.No.213.

For Petitioners : Mr.Sudharshana sundar
For Respondents : Mr.B.Anand
Government Advocate

ORDER

This petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the 2nd respondent passed in proceedings Na.Ka.No.A3-4849-07 dated 27.11.2008 quash the same and consequently direct the respondents not to alienate the petitioners from the enjoyment and prosession of their premises at Thazhangunam Madura Annanagar Village, Thazhangunam post, Gingee Taluk, Villupuram District comprised in R.S.No.213.

2.The petitioners are the assignees of the land and they were issued with patta in the year 1997. However, by the impugned order the patta was cancelled on the ground that they did not construct houses within the stipulated time.

3.The learned counsel for the petitioners would argue that the petitioners had in fact put up the huts, and they got destroyed due to heavy rain and hence the cancellation is liable to set aside.

4.Per contra the learned counsel for the respondents would submit that the petitioners are having an alternative effective appeal remedy, but without exhausting the remedy, this Writ Petition has been filed directly and in similar matter in W.P.No.2241 of 2009, this Court directed the party to file an appeal.

5.In reply, the learned counsel for the petitioners would submit that the petitioners are ready to file an appeal before the District Register Officer, Villupuram.

6. In the light of the above facts and submissions of the learned counsel on either side, this Court without going into merits of the matter directs the petitioners to file an appeal within a period of two weeks from the date of receipt of a copy of this order. On such compliance, are being made, the appellate authority are directed to consider the same and pass orders on merits and in accordance with law within a period of twelve weeks. Till such time, the parties are directed to maintain status quo as on date.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector
Villupuram District,
Villupuram

2.The Revenue Divisional Officer,
Dindivanam,
Villupuram District.

3.The Tahsildar
Ginjee,
Villupuram District

4.The District Registrar Office,
Villupuram.

+1 cc to M/s.Sudharsan,Advocate Sr.No.74487

+1 cc to The Government Pleader Sr.No.75580

AKM/27.09.19/3P-7C /

सत्यमेव जयते

W.P. No.18145 of 2009
and
M.P.No.2 of 2009

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