

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.22017 of 2014 &
M.P.No.1 of 2014

D.Periyasamy

Petitioner

Vs.

1.The Revenue Divisional Officer,
Kallakurichi Revenue Division,
Kallakurichi,
Villupuram District.

2.The Thasildar,
Chinnasalem Taluk,
Villupuram District.

3.P.Ayyan Padayatchi

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Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the second respondent to conduct the enquiry and field inspection as per instruction issued in Na.Ka.A4/4317/2013, dated 04.03.2014, consequently forward the enquiry report to first respondent for passing final order with regard to property comprised in S.No.234/6, New S.No.287/9, linearly measuring about 7 x 75 feet and 9 x 24 feet, situated at Mathur Village, Chinnasalem Taluk, Villupuram District.

For Petitioner : Mr.S.R.Kumaravel

For Respondents : Mr.B.Anand
Government Advocate for R1 & R2

Mr.N.E.A.Dinesh for R3

O R D E R

The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the second respondent to conduct the enquiry and field inspection as per instruction issued in Na.Ka.A4/4317/2013, dated 04.03.2014, consequently forward the enquiry report to first respondent for passing final order with regard to property comprised in S.No.234/6, New S.No.287/9, linearly measuring about 7 x 75 feet and 9 x 24 feet, situated at Mathur Village, Chinnasalem Taluk, Villupuram District.

2. According to the petitioner, he filed an application on 10.09.2013 to the first respondent for cancellation of the patta granted by the second respondent in favour of the third respondent. Based on the application, the first respondent vide proceedings dated 04.03.2014, directed the second respondent to conduct a field inspection and submit report. However, no order has been passed till date. Hence, the present Writ Petition.

3. The learned Government Advocate appearing for the respondents 1 and 2, on instructions would submit that the second respondent has gone to the subject property for inspection on 06.04.2019, but the same could not be carried out due to the objection of the petitioner.

4. In reply, the learned counsel for the petitioner submitted that he will instruct the petitioner to co-operate for the field inspection to be conducted by the second respondent.

5. The learned counsel appearing for the third respondent submitted that the first respondent may be directed to provide an opportunity to the third respondent before passing the final order.

6. By considering the rival submissions of the parties and also taking note of the abovesaid fact, the second respondent is directed to conduct a field inspection for the subject property within a period of four weeks from the date of receipt of a copy of this order. During the inspection, the petitioner as well as the third respondent shall co-operate for the field inspection and after completion, the second respondent shall submit the report to the first respondent forthwith. On receipt of such report, the first respondent is directed to consider and pass orders, based on the report of the second respondent and after providing opportunity to the petitioner as well as third respondent, as expeditiously as possible, preferably, within a period of three months thereafter.

7. With the above directions, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Revenue Divisional Officer,
Kallakurichi Revenue Division,
Kallakurichi,
Villupuram District.

2.The Thasildar,
Chinnasalem Taluk,
Villupuram District.

+1cc to Government Pleader sr.35320

+1cc to Mr.S.R.Kumaravel, Advocate sr.35320

+1cc to Mr.V.Nicholas Advocate sr.34632

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nr 18/06/2019

सत्यमेव जयते

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