

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T. RAJA

Writ Petition No.26047 of 2014

1. P.Kandaswamy
2. P.Pongianna Gounder ... Petitioners

Vs.

1. The District Collector,
Namakkal.
2. The Tahsildar,
Tiruchengode.
3. Sivanandam
4. Ashokan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation dated 07.08.2014 before the 1st and 2nd respondent herein.

For Petitioner : Mr.A.J.Mohamed Kassim
For Respondents : Mr.D.Raghu, Govt. Advocate
1 and 2

ORDER

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation dated 07.08.2014 of the 1st petitioner.

2. Learned Counsel appearing for the petitioners submitted that they are in exclusive possession in part of the property comprised in Survey No.6/1/F1 situated at Chikkanaickenpalayam Village, Tiruchengode Taluk, Namakkal District bearing Patta No.1006. While so, after the sub-division of the said Survey Number, the respondents 3 and 4 illegally obtained patta in their names without any documents which was originally in the name of the petitioners. In this regard, the petitioners were neither served any notice nor called for any enquiry by the 2nd respondent. Therefore, the 1st petitioner has given a representation dated 07.08.2014, but, there is no response for the same.

3. The learned Counsel for the petitioners further submitted that a Civil Suit in O.S.No.154/2010 on the file of the learned Additional District Munsif, Thiruchengode was filed by Ashokan, the 4th respondent herein against the petitioners and 13 others. That suit was dismissed on 15.11.2018 giving a finding that the 4th respondent is not entitled for any relief. Therefore, the learned Counsel for the petitioners requests this Court to issue a direction to the 2nd respondent to dispose of the representation dated 07.08.2014 of the 1st petitioner based on the decree and judgment of the learned Additional District Munsif, Thiruchengode made in O.S.No.154/2010 dated 15.11.2018.

4. There is no representation on behalf of the respondents 3 and 4.

5. Learned Government Advocate appearing for the respondents 1 and 2 sought for four weeks time to consider the 1st petitioner's representation dated 7.8.2014.

6. Considering the facts and circumstances of the matter, this Court grants four weeks time to the Tahsildar, Tiruchengode, the 2nd respondent herein to consider the representation of the 1st petitioner dated 07.08.2014 on merits and in accordance with law and also in the light of the decree and judgment of the learned Additional District Munsif, Thiruchengode made in O.S.No.154/2010 dated 15.11.2018.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The District Collector, Namakkal.
2. The Tahsildar, Tiruchengode.

+1 cc to M/s.A.J.Mohammed Kassim, Advocate Sr.No. 85981
+1 cc to The Government Pleader Sr.No.86503

AKM/19.11.19/2P-5C /
AKM/29.11.19

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