

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:11.11.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.30517 of 2019

and

W.M.P.No.30551 of 2019

Azhagappan

.. Petitioner

/versus/

1.The District Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Attur Division,
Attur,
Salem District.

3.The Thasildar,
Attur Taluk,
Attur,
Salem District.

4.Arulmighu Balasubramnia Swamy Thirukoil
Represented by its Executive Officer,
Vada Chennimalai,
Attur Taluk,
Salem District.

5.Sub-Registrar,
Attur,
Salem District.

6.Jagannathan

7.Subramanian

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to pass final orders on the patta proceedings pending before him in Na.Ka.3430/2013/A2, based on the representation given by the petitioner dated 10.10.2019 for cancellation of bogus patta standing in the names of the 6th and 7th respondents in respect of the property comprised in Survey No.16/3, Sarvai Village, Attur Taluk, measuring an extent of 2.42.0 Hectares, in enjoyment of Arulmighu

Vadachennimalai Subramaniasamy Temple, classified as Tharisu, within a reasonable time as may be fixed by this Court.

For Petitioner :Mr.A.E.Ravi Chandran

For Respondents:Mr.M.Thamizharasan, GA
for R1 to R3 and R5

ORDER

The prayer in the writ petition is to issue a Writ of Mandamus directing the 2nd respondent to pass final order on the patta proceedings pending before him in Na.Ka.3430/2013/A2, based on the representation given by the petitioner dated 10.10.2019 for cancellation of bogus patta standing in the names of the 6th and 7th respondents in respect of the property comprised in Survey No.16/3, Sarvai Village, Attur Taluk, measuring to an extent of 2.42.0 Hectares, in enjoyment of Arulmighu Vadachennimalai Subramaniasamy Temple, classified as Tharisu, within a reasonable time as may be fixed by this Court.

2. The petitioner herein and others have given a representation to the Revenue Divisional Officer and others alleging that the land in S.No.16/3 at Vada Chennimalai Village, Attur Taluk is classified as "Tharisu land" under the UDR Scheme and the revenue records and the same has been in possession and enjoyment of the hereditary trustees of Thriu Arulmighu Balasubramani Swamy Thriukoil. While so, some third parties have fraudulently obtained patta from the Government. Knowing that the petitioner and other villagers have given a complaint on 25.05.2013 and 27.05.2013 to cancel the patta issued in the name of the third parties fraudulently.

3. Later, civil suits in O.S.Nos.216 and 222 of 2013 were filed by the persons in whose name the patta was issued, which were dismissed. On 27.06.2013, after enquiry, the Revenue Divisional Officer has passed a specific order that the land in S.No.16/3 is classified as Government Poromboke land and it has to be prevented from encroachment. Despite the said order, attempts are made to grant patta in favour of the third parties, hence a representation has been given to the Revenue Divisional officer on 10.10.2019 by the petitioner and others that there is an attempt to convert the Government land as patta and alinate the same. Since no action is taken, the present writ petition is filed seeking Mandamus directing the second respondent to pass final order in the proceedings pending before him based on the representation given by the petitioner on 10.10.2019 for cancellation bogus patta.

4. The learned Government Advocate appearing for the 2nd respondent states that in response to this writ petition, the Revenue Divisional officer, Attur has initiated the enquiry proceedings and the parties are summoned to appear for enquiry on 15.11.2019.

5. It is submitted by the learned Government Advocate appearing for the 2nd respondent that the enquiry will be completed within a period of six weeks and orders will be passed on the representation of the petitioner dated 10.10.2019 in accordance with law.

6. Recording the same, the writ petition is disposed of directing the 2nd respondent to complete the enquiry and pass orders on the representation of the petitioner dated 10.10.2019 within a period of six weeks from today. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

ari
To:

1.The District Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Attur Division,
Attur,
Salem District.

3.The Thasildar,
Attur Taluk,
Attur,
Salem District.

4.Sub-Registrar,
Attur,
Salem District.

+1cc to Mr.A.E.Ravi Chandran, Advocate SR.93446
+1cc to the Government Pleader SR.93760

W.P.No.30517 of 2019

AD(CO)
CB(05/12/2019)