

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.33923 of 2018
and
W.M.P.No.39385 of 2018

Mr.P.Muthu Subramaniam

... Petitioner

Vs.

1.The District Collector
Tiruppur Collectorate Office,
Karuppa Gaundanapalayam,
Tiruppur - 641 604.

2.The Sub-Collector
Kannipiran Colony,
Valipalayam,
Tiruppur - 641 602.

3.The Tahsildar
South Taluk Office,
No.1/1450-I,
Palavanjipalayam Ring Road,
Sri Sivasakthi Nagar,
Veerapandi, Tiruppur- 641 605.

4.The Village Administrative Officer
Pongalur Village, Tiruppur - 641 667.

5.The Executive Officer,
Pongalur Panchayat Office,
Pongalur Village,
Tiruppur - 641 667.

... Respondents

Writ petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from constructing VAO office and disturbing the peaceful possession of the property in S.F.No.275/6 to an extent 0.24 cents as far as petitioner is concerned.

For Petitioner : Mr.B.Singaravelu

For Respondents : Mr.R.Govindasamy,
Special Government Pleader

O R D E R

The petitioner is seeking for a Mandamus, forbearing the respondents 1 to 5 from constructing Village Administrative Office in a property situated at Survey No. S.F.No.275/6 measuring to an extent of 0.24 cents at Nachipalayam Village, Tiruppur South Taluk, Tiruppur district.

2. According to the petitioner, the property, in which, the proposed construction intended, belongs to the petitioner and he has already filed an appeal before the 2nd respondent challenging the order of cancellation of the patta issued by the 3rd respondent Tahsildar. Therefore, it is contended that till his appeal which is pending before the 2nd respondent is decided, the respondents are not entitled to go ahead with the construction of the Village Administrative Office at the disputed site.

3. The learned Special Government Pleader submitted that Patta granted in favour of the petitioner was cancelled and such cancellation is challenged by the petitioner before the 2nd respondent. He admitted that the said appeal is pending before the 2nd respondent, even as on today.

4. Therefore, considering the above stated facts and circumstances, this Writ Petition is disposed of as follows:

a) The 2nd respondent will consider the appeal filed by the petitioner arising out of the Patta proceedings and pass orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

b) This Court is not expressing any view on the merits of the claim made by the petitioner in respect of his right to the patta, as it is for the 2nd respondent to consider and decide as stated supra.

c) Till an order is passed by the 2nd respondent as stated supra, the official respondents directed to maintain status quo as on today in respect of the construction.

No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gsi/vsi

To

1.The District Collector
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+1 cc to The Government Pleader, Sr.No.15563

+1 cc to Mr.B.Singaravelu, Advocate Sr.No.14419

W.P.No.33923 of 2018

KJI (CO)
CSL/08.03.2019

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