



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.18747 of 2015

S.Veluthevar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Superintendent of Police,
Tirunelveli District.

3.The Tahsildar
Palayamkottai Taluk
Tirunelveli District.

4.M.Anthony ... Respondents
(4th respondent has been impleaded as per the order
of this Court dated 21.02.2017 in M.P. (MD) No.1/2015)

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to cancel the illegal patta and to give the police protection to the petitioner's family and property on the basis of the petitioner's representation dated 05.10.2015 in accordance with law within the time stipulated by this Court.

For Petitioners :Mr.A.Rajaram

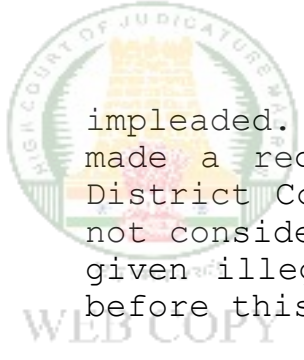
For Respondents :Mr.P.Kannithevan for R1 to R3
Additional Government Pleader
Mr.H.Arumugam for R4

ORDER

The prayer in the writ petition is for a Writ of Mandamus to direct the respondents to cancel the illegal patta and to give police protection to the petitioner's family and property on the basis of the petitioner's representation dated 05.10.2015 in accordance with law.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent.

3. The grievance of the petitioner appears to be that the third respondent issued patta wrongly in respect of the land in S.No.1475/A1 of Seevalaperi Village and according to the petitioner, the said patta was given by way of assignment patta to landless poor, ie., the fourth respondent, who has been subsequently



impleaded. In order to cancel the said patta, the petitioner has made a request by way of representation to the first respondent District Collector on 05.10.2015. The said representation also was not considered and the patta, according to the petitioner, which was given illegally was not cancelled and therefore, the petitioner is before this Court.

4. I have heard the learned Additional Government Pleader, who would submit that since the patta issued by the Tahsildar concerned is an assignment for landless poor category and in order to cancel the said patta as aggrieved by the petitioner, the petitioner, since has already approached the District Collector, the request of the petitioner would be considered by the first respondent on merits, after giving an opportunity to both sides within a time frame.

5. Considering the said submissions, this Writ Petition is disposed of with the following direction:

"There shall be a direction to the first respondent District Collector to consider the representation of the petitioner dated 05.10.2015 and decide the same on merits and in accordance with law, after affording reasonable opportunity of being heard to both the petitioner as well as the fourth respondent and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order." No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

RR

To

- 1.The District Collector,
Tirunelveli District.
- 2.The Superintendent of Police,
Tirunelveli District.
- 3.The Tahsildar
Palayamkottai Taluk
Tirunelveli District.

+1 CC to Mr.A.RAJARAM, Advocate SR-69519.

+1 CC to SPL GP SR-69719.

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