

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 23102 of 2012

and

M.P. No. 1 of 2012

N. Venkatesan

...Petitioner

Vs.

1. The District Collector  
Vellore District  
Vellore.

2. The Sub Collector  
Thirupattur Taluk  
Vellore District.

3. The Tahsildar  
Thirupattur Taluk  
Vellore District.

4. Govindaraj

...Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the second respondent to consider and pass orders in respect of the representation dated 30.04.2012 and consequently, direct the third respondent to cancel the patta stands in the name of the fourth respondent herein and thereupon, issue patta in favour of the petitioner in respect of property comprised in Survey No.171/1C Nanja land of an extent of Acre 0.65 cents, situated in Aadiyur village, Thirupattur District situated within the sub registration district of Thirupattur.

For Petitioner : Mr.K.Venkateswaran  
For Respondents : Mr.N.Inbanathan (For R1 to R3)  
Additional Government Pleader  
R4-No appearance

ORDER

Heard Mr.K.Venkateswaran, learned counsel for the petitioner and Mr.N.Inbanathan, learned additional government pleader for the first to third respondents.

2. The petitioner and the fourth respondent are brothers and sons of late Sri.Narayanasamy Gounder. The petitioner states that the patta in respect of the land in question has been wrongly granted in favour of his brother, the fourth respondent. Therefore, the petitioner filed an application on 13.07.2009 to cancel the patta and issue patta in his name. This application was not considered. Therefore, the Petitioner sent representations to both respondents 2 and 1 on 10.08.2009 and 14.09.2009 respectively. Even thereafter, the petitioner has been making several representations the last on which was given on 30.04.2012 and the same has not been considered till date.

3. Though notice has been served on the fourth respondent and his name is printed in the cause list, none appeared for the fourth respondent.

4. Considering the efflux of time, it would not be equitable to direct the third respondent to consider the representation, which was given in the year 2012, since as of now the correction in the patta has to be done through on-line application.

5. Therefore, this writ petition is disposed of by giving liberty to the petitioner to file a fresh application in an appropriate form before the third respondent seeking for necessary relief and if such application is filed in the appropriate form then the second respondent shall issue notice to the petitioner and the fourth respondent, hear the parties and pass a reasoned order on merits and in accordance with law, within a period of three months from the date on which the application made. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

maya

To

1. The District Collector  
Vellore District  
Vellore.

2. The Sub Collector  
Thirupattur Taluk  
Vellore District.

3. The Tahsildar  
Thirupattur Taluk  
Vellore District.

+1 CC to Mr.K.Venkateswaran, Advocate Sr. No.18632

+1 CC to Government Pleader, High Court, Madras-104. Sr.No.18736

RSK (CO)  
RPP (20/05/2020)

W.P. No. 23102 of 2012



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