

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9634 of 2020

M.Muthukumarasamy,
S/o.Marappa Gounder.

...Petitioner

Vs.

1.The District Collector,
Tirupur District,
Tirupur.

2.The District Revenue Officer,
District Collector Office,
Tirupur.

3.The Revenue Divisional Officer,
Tirupur.

4.The Tahsildar,
Tirupur south Taluk,
Tirupur District.

5.Smt.Jaya Murugesan,

6.Sri R.Subramaniam,

7.Sri.R.Murugesan,

...Respondents.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondents 1 to 3 to dispose of my representation dated 25.02.2020 and consequently direct the 4th respondent to cancel the patta issued by him in favour of the respondents 5 to 7, by retaining my name in patta for the land measuring an extent of 2.87.50 Hectares in S.F.No.427/1 of Muthanampalayam Village and pass orders.

For Petitioner : Mr.K.S.Kaviarasu.

For Respondents : Mr.Annai Ezhil,
Government Advocate.

O R D E R

This writ petition has been filed for the issuance of writ of mandamus directing the respondents 1 to 3 to dispose of the representation made by the petitioner on 25.02.2020, wherein, the petitioner is seeking for the cancellation of the patta issued in favour of respondents 5 to 7.

2.The case of the petitioner is that he had purchased the property by virtue of registered sale deed dated 27.06.1995. The petitioner also applied for patta and he was granted patta in PattaNo.645. Subsequently the respondents 5 to 7 attempted to disturb the possession of the petitioner and therefore, the petitioner filed a suit in O.S.No.75 of 2014 before the District Munsif Court, Tirupur, seeking for the relief of declaration and permanent injunction. According to the petitioner the said suit is pending.

3.The further case of the petitioner is that the respondents 5 to 7 also filed a suit for the relief of declaration and possession in O.S.298 of 2014 before the very same Court and the same is also pending.

4.It seems that respondents 5 to 7 made an application to the 3rd respondent to remove the name of the petitioner from the revenue records and issue patta in their favour. The 3rd respondent by an order dated 10.11.2016, directed the 4th respondent to maintain the status quo pending disposal of the suits filed by both the parties and not to entertain any application for change of name in the revenue records.

5.The petitioner was aggrieved by the said order passed by the 3rd respondent and therefore he filed a revision petition before the second respondent. Parellelly a revision petition was also filed by respondents 5 to 7. The second respondent by an order dated 23.10.2017 directed that the Thasildar can await for the final decision in both the suits and thereafter entertain any applications.

6.The grievance of the petitioner is that all of a sudden he found in the computer patta that his name has been removed and the names of respondents 5 to 7 has been added and a fresh patta has been issued in PattaNo.2318, which according to the petitioner is in violation of the orders passed by the 2nd and 3rd respondents. Aggrieved by the same, the petitioner has made a

representation to respondents 1 to 3 and sought for the removal of the names of the respondents 5 to 7 and to retain the name of the petitioner in the patta till the disposal of the suits. Since this representation was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

7. Heard Mr.K.S.Kaviarasu, the learned counsel appearing on behalf of the petitioner and Mr.Annai Ezhil, learned Government Advocate, appearing on behalf of the respondents 1 to 4.

8. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for by the petitioner, there shall be a direction to the 3rd respondent to consider the representation made by the petitioner on 25.02.2020 and to deal with the same in accordance with law and in line with the earlier order passed by the 2nd respondent on 23.10.2017 and pass final orders within a period of 8 weeks from the date of receipt of copy of this order. The 3rd respondent shall issue notice to respondents 5 to 7 and give them an opportunity before passing any final orders. The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of the representation dated 25.02.2020 and a copy of this order. A copy of the representation shall also be marked to the second respondent.

9. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector, Tirupur District, Tirupur.
2. The District Revenue Officer, District Collector Office, Tirupur.
3. The Revenue Divisional Officer, Tirupur.
4. The Tahsildar,
Tirupur south Taluk, Tirupur District.
5. The Public Prosecutor, High Court, Madras.

+1cc to the Government Pleader, S.R.No.25410

W.P.No.9634 of 2020

AD(CO)

KKV/17/08/2020