

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11238 of 2020
and
W.M.P.Nos.13706 of 2020

V.Sundaram
S/o. Velusamy
Palani Andavar Thottam
Macha Goundampalayam
Seerapalayam
Coimbatore. Petitioner

Vs.

- 1.The Tahsildar
Madukarai Taluk Office,
Madukarai, Coimbatore.
2. Duraisamy
S/o. Natraj Gounder,
No.1/515, Vadaku Thottam,
Malumichampatti,
Coimbatore.
3. Palanisamy,
S/o. Natraj Gounder,
No.1/515a, Vadakku Thottam,
Malumichampatti,
Coimbatore.
4. Marathal,
D/o. Ganapathi Gounder,
No.1/68, Macha Goundampalayam,
Seerapalayam, Coimbatore.
5. Saraswathi
D/o. Ganapathi Gounder
No.58, Kurunji Nagar,
Kulalapuram, Karamadai,
Coimbatore.

..Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings E.No.10 (1) Section Revenue Department Coimbatore District bearing Patta No.1813 dated 28.06.2020 and patta No.1812 dated 22.07.2020 entries pertaining to respondents 2 to 5 and quash the same and to direct the first respondent to delete the aforesaid entry made in the names of the respondents 2 to 5 from the record.

For Petitioner : Mr. A.T.Sathiyamoorthy

For Respondents : Mr.Annai Ezhil,
Government Advocate
for R1

O R D E R

This writ petition has been filed challenging the proceedings of the first respondent, wherein, the first respondent has mutated the revenue records and issued patta in favour of the respondents 2 to 5.

2. The grievance of the petitioner is that he had a right over the property and the private respondents were taking steps to get their names mutated in the revenue records and they were attempting to get a patta in their name. The petitioner, therefore, approached this Court and filed W.P.No.29239 of 2019 and this Court had dismissed the writ petition on 14.10.2019. The relevant portion of the order is extracted hereunder:-

"3. The apprehension of the petitioners is that some third party has given representation to give patta for the land bearing S.Nos.227/1C, 227/1E, 228/8, 228/9, 229/1, 230/1A2B, 230/1A3A, 250/1A totally to an extent of 2.75.50 Hectare, situated at Seerapalayam village, Madukarai Taluk, Coimbatore, which according to the petitioners, owned by them. The petitioners have also given objection to the 1st respondent on 28.09.2019. While so, without any cause of action, they have rushed to this Court by filing these writ petitions alleging that without giving opportunity, the first respondent is trying to mutate the records in favour of respondents 2 and 3.

4. This Court finds that the apprehension of the petitioners is baseless.

5. The learned Government Advocate, who takes notice for the first respondent assures that no order will be passed

without giving opportunity to the petitioners."

3. The learned counsel for the petitioner submitted that in spite of giving an undertaking, the first respondent has proceeded to issue patta to respondents 2 to 5 without putting the petitioner on notice. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Mr. Annai Ezhil, learned Government Advocate, appearing on behalf of the first respondent submitted that the first respondent has initiated proceedings for re-enquiry and the date of enquiry is fixed on 28.08.2020 at 11.00 a.m. The learned counsel submitted that the petitioner as well as respondents 2 to 5 can attend the enquiry and submit all their documents and an appropriate decision will be taken strictly in accordance with law.

5. Taking into consideration the specific stand taken by the learned Government Advocate, there shall be a direction to the first respondent to conduct an enquiry by giving sufficient opportunity to the petitioner and respondents 2 to 5 and deal with the same strictly in accordance with law and pass final orders within a period of 8 weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The The Tahsildar
Madukarai Taluk Office,
Madukarai, Coimbatore.
2. The Government Pleader,
High Court, Madras.

+1cc to the Government Pleader in SR.27531

W.P.No.11238 of 2020

2/2

MK (CO)
RV (10/09/2020)