

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25993 of 2018

M. Vasudevan

... Petitioner

Vs.

1.The District Collector,
Krishnagiri,
Krishnagiri District.

2.The Thasildar,
Pochampalli,
Krishnagiri District.

3.Palaniyappa Nadar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 22.03.2018 requesting to cancel the patta issued in favour of the third respondent in respect of petitioner's land in S.No.659/3 and Sub-division S.No.659/3B of Jambukuttapatti Taraf, Pochampalli Taluk, Krishnagiri District.

For Petitioner : Mr. K. Thiruvengadam

For Respondents 1 & 2 : Mr. E. Balamurugan,
Special Government Pleader

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O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents 1 & 2 to consider the representation made by the petitioner on 22.03.2018 and to cancel the patta issued in favour of the third respondent and consequently issue patta in favour of the petitioner.

2. The learned counsel for the petitioner submitted that

the property originally belonged to the father of the petitioner by virtue of a registered Partition Deed dated 27.03.1978. This property was encroached upon by the Highways Department and the petitioner had filed a suit in O.S.No.501 of 1987, on the file of the District Munsif Court, Krishnagiri and the suit was also decreed in favour of the petitioner. The learned counsel therefore submitted that the petitioner is the absolute owner of the property and the third respondent has illegally obtained a patta in his favour. Therefore, the petitioner had given a representation to the respondents as well as to the RDO, Krishnagiri seeking for cancellation of patta. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

3. Mr. E. Balamurugan, learned Special Government Pleader appearing on behalf of the first and second respondents submitted that if, the petitioner is aggrieved by the patta issued in favour of the third respondent, he has to necessarily file an appeal only before the RDO and workout his remedy and he cannot pursue his remedy before the Thasildar. The learned counsel further submitted that the petitioner claims to have made a representation to the RDO but however, such representation has not been filed in the writ petition. Therefore, the learned counsel seeks for dismissal of the writ petition.

4. Taking into consideration the facts and circumstances of the case and the limed relief that has been sought for in this writ petition, there shall be a direction to the petitioner to make a fresh representation to the RDO, Krishnagiri seeking for the cancellation of the patta and the RDO, Krishnagiri on receipt of the representation made by the petitioner, shall issue notice to the third respondent and proceed further to deal with the representation strictly in accordance with law and shall pass orders as expeditiously as possible and preferably, within a period of twelve weeks from the date of receipt of the representation from the petitioner.

5. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CO MDU)

//True Copy//

Sub Assistant Registrar

AT

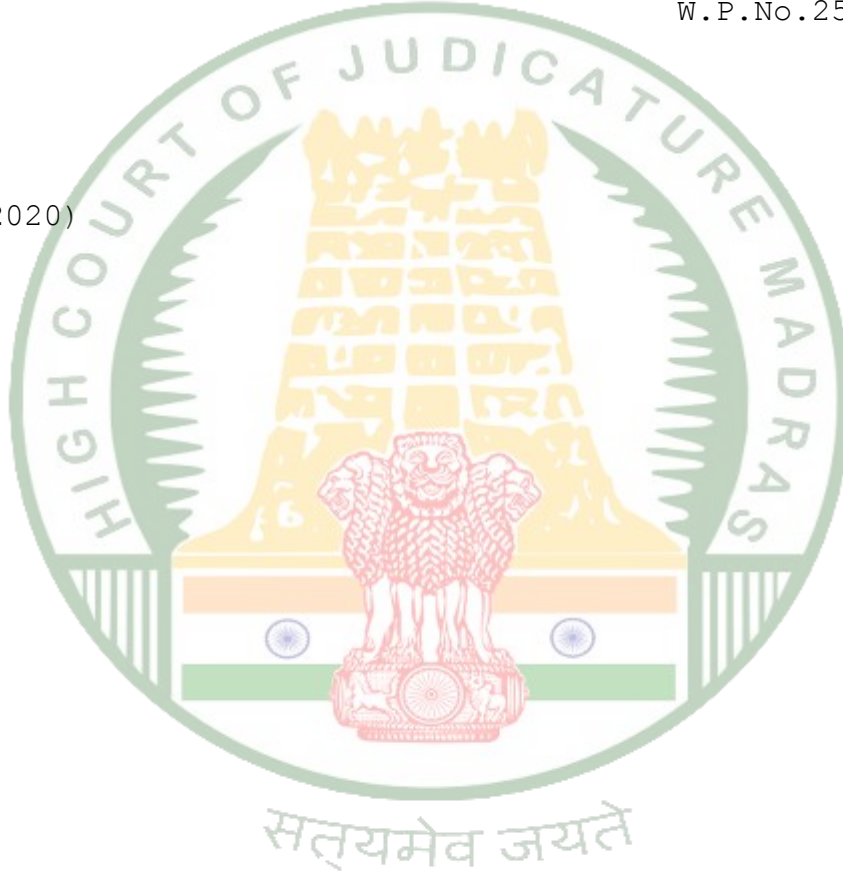
To

1.The District Collector,
Krishnagiri,
Krishnagiri District.

2.The Thasildar,
Pochampalli,
Krishnagiri District.

W.P.No.25993 of 2018

PVS (CO)
GN (26/06/2020)



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