



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM: JUSTICE N.SESHASAYEE

WEB COPY

WP.No.1958 of 2021

1.V.S.Viswanathan
2.Samiyathal
3.V.S.Venkatachalam
4.Smt.Venkatlakshmi
5.Periyanayaki
6.Smt.Nagarathnam

...Petitioners

-Vs-

1.The District Collector,
Tirupur.

2.The Tahsildar,
Office of the Tasildar,
Kangayam.

3.Sri. Subramaniaswami Sivanmalai,
rep. by its Executive Officer,
Sivanmalai.

...Respondents

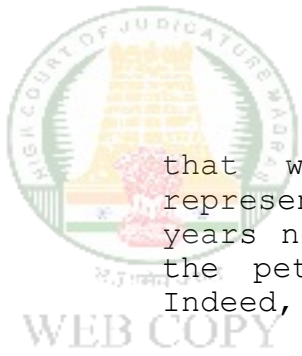
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to issue patta to the petitioners for the property in S.No.329/A ad-measuring about 10 Acres and 32 cents in Uthaiyur Village, Kangayam Taluk.

For Petitioner : Mr.Eswar
For Respondents: Mr.R.Janaki,
Additional Government Pleader

ORDER

The present petition is filed by the petitioner seeking a direction to the respondents 1 & 2 to issue patta to the petitioners in respect of the property comprised in S.No.329/A ad-measuring about 10 Acres and 32 cents in Uthaiyur Village, Kangayam Taluk.

2.In this case, the petitioners have succeeded in a civil suit, pursuant to which, they seek transfer of patta. Their effort started in the year 2010, followed by another effort in 2012 and since the Authorities were caught in hibernation, the petitioners were constrained to filed W.P.No.8913 of 2012 and



that was ordered on 15.02.2018. Thereafter, yet another representation was made on 07.05.2018 and it is close to 2½ years now but, nothing has happened. As a consequence to which, the petitioners have again filed the present writ petition. Indeed, a notice of enquiry was issued on 10.07.2018.

3. When the matter came up before this Court on 03.02.2021, this Court has passed the following order:

'2. Atrocious is the softest word this Court can find to describe how the Authorities deal with the rights of the citizens.

3. This Court requires the District Collector, Tiruppur to log-in today (03.02.2021) at 04.00 p.m., as required, the District Collector, Tiruppur has logged in.

4. This Court briefed him about the allegations made by the petitioners. Now, the District Collector may cause some enquiry as to why the petitioners' representations for issuance of patta, which apparently have started in the year 2010, has not been attended to, despite this Court passing an order in W.P No.8913 of 2012 on 15.02.2018. Secondly, to ascertain the responsibility of the Tahsildar who is responsible for this situation, and to indicate the action proposed against them''.

4. Today, Mrs.R.Janaki, learned Additional Government pleader appearing for the respondents submitted that the District Collector has initiated necessary enquiry proceedings into the conduct of the Tahsildar. This apart, an enquiry has also begun to consider the representations of the petitioners and the same has also been concluded, and pursuant to the enquiry, patta has been issued to him by the District Collector.

5. In view of the same, nothing survives in this petition as regards the cause of action for filing the petition. This does necessarily imply that this petition has to be closed. However, this does not imply the disciplinary action which the District Collector has initiated against the Tahsildar also has to be closed, and therefore, that may continue and may be taken to its logical conclusion.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

WEB COPY

1.The District Collector,
Tirupur.

2.The Tahsildar,
Office of the Tasildar,
Kangayam.

3.The Executive Officer,
Sri. Subramaniaswami Sivanmalai,
Sivanmalai.

+1 cc to The Government Pleader Sr.No. 14230

W.P.No.1958 of 2021

PL(CO)
RMP(25/03/2021)