



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WRIT PETITION NO. 14469 OF 2012

AND

W.M.P. NO. 8482 OF 2018

R.Palanisamy

.. Petitioner

Versus

1.The District Collector
Collectorate Office
Salem-1.

2.The Tahsildar
Salem Taluk Office
Maravaneri,
Salem-7.

3.Chandra Gounder
(R3 is impleaded as per order dated
30.09.2016 by RMDJ in M.P.No.1 of 2013
in W.P.No.14469 of 2012)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 12.02.2012 along with the legal notice dated 14.03.2012.

For Petitioner : Mr. R. Nalliyappan

For R1 and R2 : Mr. Stalin Abimanyu
Government Advocate

For R3 : Mr. K.S. Kalyanaraman



ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 12.02.2012 along with the legal notice dated 14.03.2012.

2. According to the petitioner, he is in possession of the land situated in Survey No.25/2A measuring an extent of 1.64.0 Hectares and Survey No.25/3A measuring 0.35.0 Hectares at Karpagam Village, Salem District, which was allotted to his father by the State Government. The allotment order was issued to the petitioner's father as an Adhi Dravidar and conditional patta was issued to his father. As per the conditional Patta, his father should not transfer the right of assignment in favour of any third party. While so, the second respondent, without any notice to the petitioner or his father, has transferred the patta in respect of the said land in favour of the 3rd respondent. Therefore, the petitioner has sent a representation dated 12.02.2012 and legal notice dated 14.03.2012 to the 2nd respondent to cancel the entry made in the patta. Finding no response on the same, he is before this Court with the present writ petition for the aforesaid relief.

3. The prayer made in this writ petition has been strongly opposed by the 2nd respondent, by filing a counter affidavit, wherein in paragraph-6, it is stated as follows:

"6.This respondent further submits that there is no copy of representation, or legal notice evidencing receipt of the above representation in the official records and hence the allegations that the representation dated 12.02.2012 sent by the petitioner herein has remained unanswered is utterly false. This respondent has not received any such representation and if all any further representation is given to me the relief claimed by the petitioner herein could not be granted as the said land has been transferred to a auction purchaser through Court auction and necessary changes have been effected in the revenue records in favour of Mr.Chandra Gounder viz., the auction purchaser. Hence, the writ petition filed by the petitioner herein is devoid of merits and liable to be dismissed."

4. On the other hand, the learned counsel for the petitioner submitted that the petitioner has enclosed the acknowledgment card issued by the 2nd respondent, which finds place in the typed set of papers.



5. At the outset, this Court finds that the land in question was allotted to the father of the petitioner. However, this writ petition is filed by the petitioner on behalf of his father. It is not known as to why the petitioner has filed this writ petition for and on behalf of his father. Be that as it may, it is the stand of the second respondent that the petitioner has not sent any representation at all. However, the petitioner has produced the postal acknowledgment card in Page No.7 of the typed set of papers. In such view of the matter, this Court finds it appropriate to direct the 2nd respondent to consider the petitioner's representation dated 12.02.2012 as well as the notice dated 14.03.2012 sent on behalf of the petitioner, if it is not considered earlier and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, the connected W.M.P.No.8482 of 2018 stands closed.

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

kj/rsh

To

1. The District Collector
Collectorate Office
Salem-1.
2. The Tahsildar
Salem Taluk Office
Maravaneri, Salem-7.

+1cc to Mr.P.P.Shanmugasundaram, Advocate, S.R.No.32239

WP No.14469 of 2012

RD(CO)
RLP(16/09/2021)