

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.NO.2664 OF 2021

&

WMP.NO.2975 OF 2021

Mr.C.Ponnambalam

...Petitioner

-Vs-

1. The District Revenue Officer,
Perambalur, Perambalur District.

2. The Tahsildhar,
Taluk Office,
Perambalur, Perambalur District.

3. The Village Administrative Office,
Elambalur Village,
Perambalur District.

4. C.Muthaiah

.... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in Na.Ka.Aa/1/11298/2018, dated 15.12.2018 and Memo dated 18.03.2020 in Na.Ka.Aa2/10346/2019 quash the same and further consequently direct the 2nd respondent to delete the name of the 4th respondent and restore the name of petitioner and other legal heirs of paternal grandfather of the petitioner Thiru.Palanimuthu in the 'A' register for the land in S.No.332/2 and patta No.1410 on the file of the 2nd respondent.

For Petitioner : Mr.R.Abdul Mubeen

For R1 to R3 : Mr.S.N.Parthasarathi
Government Advocate

For R4 : Mr.W.M.Abdul Majeed

ORDER

The Writ Petition is filed for a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in Na.Ka.Aa/1/11298/2018, dated 15.12.2018 and Memo dated 18.03.2020 in Na.Ka.Aa2/10346/2019 quash the same

and further direct the 2nd respondent to delete the name of the 4th respondent and restore the name of petitioner and other legal heirs of paternal grandfather of the petitioner Thiru.Palanimuthu in the 'A' register for the land in S.No.332/2 and patta No.1410 on the file of the 2nd respondent.

2.Heard the learned counsel for the petitioner as well as Mr.S.N.Parthasarathi, learned Government Advocate for the respondents 1 to 3.

3.The learned counsel for the petitioner would submit that in the impugned proceedings, the DRO/first respondent has directed the petitioner to approach the civil Court as concerning the right of the petitioner asserted over the properties in Sy.Nos.247/7A, 247/7B and 247/7C and 332/2. To that extent, the stand of the DRO is constant both in the earlier order as well as in the impugned proceedings. However, he is silent as to the properties in survey numbers.247/27B, 243/1, 321/2B & 332/2. Of them, Sy.No.332/2 is also the subject matter of the W.P.No.20806 of 2018.

4.Per Contra, Mr.S.N.Parthasarathi, learned Government Advocate would submit that a certain Muthiah S/o Chinnasamy was arrayed as the fourth respondent in W.P.No.20806 of 2018, whereas, as per the revenue records it stands in the name of Muthiah s/o Arumugam.

5.Now it is not so much about who is the title holder of the property in Sy.Nos.247/27B, 243/1, 321/2B & 332/2 but, it is all about the omission to dispose the same in the impugned proceedings of the DRO dated 15.12.2018.

6.Of the properties in Sy.No.247/27B, 243/1, 321/1B and 332/2, only the property in Sy.No.332/2 finds reference in the orders of the Court in W.P.No.20806 of 2018.

7.In these circumstances, it is only appropriate that the petitioner approaches the DRO/first respondent concerned with a fresh representation requiring him to consider his case for cancellation of patta allegedly in the name of a third party and to issue patta in his name as regards the properties in Sy.No.247/27B, 243/1, 321/1B and 332/2 of Yelambalur Village, Perambalur Taluk, Perambalur District within a period of two weeks after the declaration of results to the ensuing General Elections to the State Legislative Assembly, which is scheduled to conclude by 02.05.2021. Upon receiving the said representation, as and when if so submitted, the DRO/first respondent is required to dispose of the same within a period of 12 weeks thereafter.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Tsg

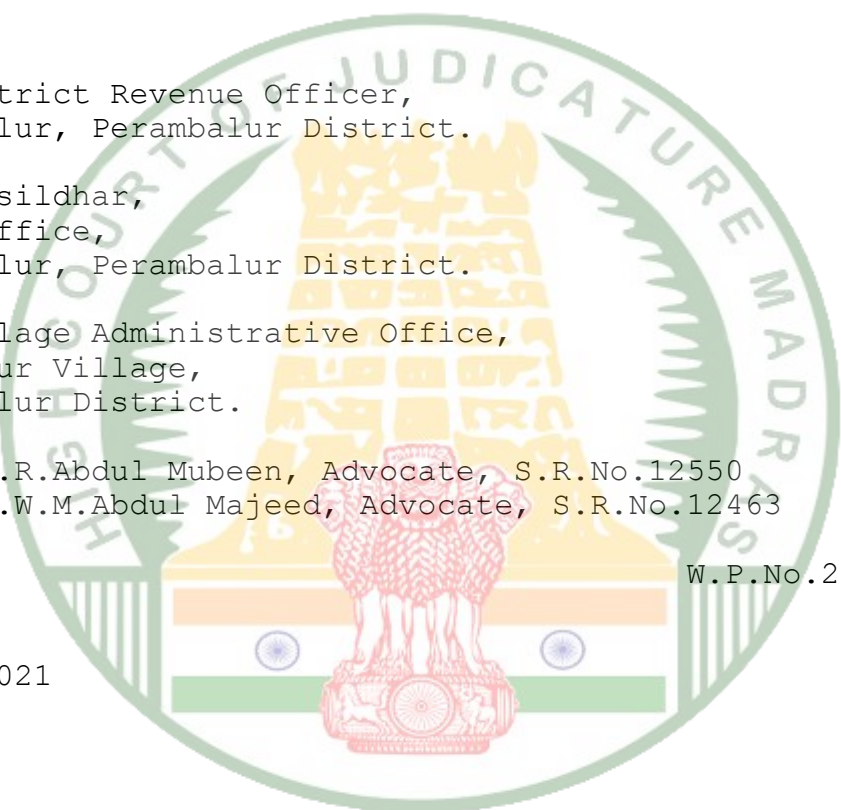
To

1. The District Revenue Officer,
Perambalur, Perambalur District.
2. The Tahsildhar,
Taluk Office,
Perambalur, Perambalur District.
3. The Village Administrative Office,
Elambalur Village,
Perambalur District.

+1cc to Mr.R.Abdul Mubeen, Advocate, S.R.No.12550
+1cc to Mr.W.M.Abdul Majeed, Advocate, S.R.No.12463

W.P.No.2664 of 2021

PCH(CO)
CS/07/04/2021

The seal of the Tamil Nadu High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The lion capital is flanked by two red horses. Below the lion capital is a red wheel. The entire emblem is set against a green background with a white border. The words 'TAMIL NADU HIGH COURT' are written in English around the top half of the circle, and 'தமிழ்நாடு உயர்நீதிமன்றம்' is written in Tamil around the bottom half. Below the seal, the motto 'सत्यमेव जयते' is written in Devanagari script.

सत्यमेव जयते

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