

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No. 10275 of 2021

D.Ashokraj ... Petitioner

Vs

1. The District Collector,
Coimbatore.

2. The Tahsildar,
Madukkarai Taluk Office,
Madhukarai,
Coimbatore.

3. Mrs. Chandrika ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to cancel the patta No.632 and issue patta in favour of the petitioner based on the petitioner's representation dated 15.09.2020 and the remainder dated 28.10.2020 in respect of the property comprised in S.No.190/3A1A1A, New No.1025/2 in Vellanur Village measuring to an extent of 4118 sq.ft and which includes the private pathway to an extent of 339 sq.ft of land for access to the property of the petitioner situated at Vellanur Village, Coimbatore District.

For petitioner ... Mr. R. Chandramohan

For respondents ... Mr. Annai Ezhil,
Government Advocate

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent/Tahsildar to consider the petitioner's representation for issuance of patta in respect of property in S.No.190/3A1A1A, New No.1025/2 in Vellanur Village measuring to an extent of 4118 sq.ft

2. According to the petitioner, the petitioner has purchased a property along with pathway to an extent of 4118 sq.ft. However, the 3rd respondent, who has no right over the pathway, has obtained patta in her favour. Hence, the petitioner

made a representation to the second respondent to cancel the same and issue patta in favour of the petitioner in the year 2015. But, so far no order has been passed. Hence, the present writ petition has been filed.

3. The learned Government Advocate appearing for the respondents 1 and 2 , on instructions, would submit that enquiry is fixed on 30.04.2021 and the petitioner may be directed to appear before the second respondent for enquiry.

4. In view of the nature of the order, that is going to be passed in the writ petition, which no way would prejudice the interest of the 3rd respondent, notice to the 3rd respondent is dispensed with.

5. Considering the facts and circumstances of the case and the limited prayer sought for in the writ petition, and the petitioner's representation is pending with the second respondent/Tahsildar and enquiry is also fixed on 30.04.2021, without going into the merits of the case, the second respondent is directed to complete the enquiry and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioner as well as the 3rd respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The District Collector,
Coimbatore.
2. The Tahsildar,
Madukkarai Taluk Office,
Madhukarai,
Coimbatore.

+1CC Government Pleader, Vide Sr.No.25347

W.P. No. 10275 of 2021

LN (CO)

A.SK (12.07.2021)