

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.24246 OF 2013

M.Sridharan

... Petitioner

-Vs-

1 The District Collector
Erode, Erode District.

2 The Revenue Divisional Officer
Gopichetty Palayam Revenue Division
Erode District.

3 The Tahsildar
Bhavani Taluk,
Erode District.

... Respondents

Prayer :

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner representation dated 15.4.2013 for re-assignment of the land in S.No.298/2B, New S.No.105/2 in Patta 212 to an extent of 3.81 out of 11.43 acres of land at 041, Athani Revenue Village, Bhavani Taluk, Erode District to the petitioner, being the legal heirs of original assignee as per the Circular issued by the Special Commissioner and Commissioner for Land Administration in his Letter dated 19.8.1996 in F1/ 69400/94.

(Prayer amended as per the order of this Court, dated 19.03.2021 made in W.M.P.No.18264 of 2017)

For Petitioner : Mr.S.Arokia Maniraj

For Respondents : Mr.N.Inbanathan, AGP

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to consider the petitioner representation dated 15.4.2013 for re-assignment of the land in S.No.298/2B, New S.No.105/2 in Patta 212 to an extent of 3.81 out of 11.43 acres of land at 041, Athani Revenue Village, Bhavani Taluk, Erode District to the petitioner, being the legal heirs of original assignee as per the Circular issued by the Special Commissioner and Commissioner for Land Administration in his Letter dated 19.8.1996 in F1/ 69400/94.

2. It is the case of the petitioner that, in respect of the land at Survey No.298/2B at Athani Village, Bhavani Taluk, Erode District, measuring to the extent of 3.81 out of 11 Acres 43 Cents was entrusted to the grand father of the petitioner in the year 2001. The same, though had been in enjoyment of the petitioner's grandfather, it is the claim of the petitioner that, subsequently one Ponnusamy S/o Samiyappa Gounder claims that, the said land belongs to him and accordingly he was able to get patta issued in his name and accordingly the patta issued in the name of the said third party i.e., Ponnusamy has to be cancelled and in this regard, in order to take action to cancel the patta and to release or re-issue the patta in favour of the petitioner, he has given a representation to the respondents 1 and 2 on 15.04.2013.

3. However, since the same has not been considered and no action seems to have been taken by the respondents, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

4. Heard Mr.S.Arokia Maniraj, learned counsel for the petitioner, who, after having reiterated the aforesaid facts, would seek indulgence of this Court to give a suitable direction to decide and dispose the representation of the petitioner, dated 15.04.2013 by the respondents, especially the respondents 1 and 2, on merits and in accordance with law, within a time frame.

5. Heard Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents, who would submit that, if at all any such representation dated 15.04.2013 was given to the respondents 1 and 2 and the same has not been considered so far, certainly that would be disposed of on merits, of course by giving an opportunity of being heard to both the petitioner as well as the third party, in whose name the patta is claimed to have been given, and accordingly final orders would be passed within a time frame that may be fixed by this Court.

6. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed on record.

7. By taking into account the nature of the prayer, this Court is inclined to dispose of this writ petition with the following orders :

"That there shall be a direction to the second respondent / Revenue Divisional Officer, Gobichettypalayam Revenue Division, Erode District, to consider the representation of the petitioner dated 15.04.2013 and conduct an enquiry in this regard by issuing separate notices to both the petitioner as well as the third party, one Ponnusamy S/o Samiyappa Gounder, and after hearing both of them, decide the issue and pass final orders within a period of three months from the date of receipt of a copy of this order."

8. With these direction, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tsvn/kst

To

- 1 The District Collector
Erode, Erode District.
- 2 The Revenue Divisional Officer
Gopichetty Palayam Revenue Division,
Erode District.
- 3 The Tahsildar
Bhavani Taluk, Erode District.

+1cc to Mr.S.Arokia Maniraj, Advocate, S.R.No.25604

+1cc to Government Pleader, S.R.No.26007

W.P.No.24246 of 2013

RSV(CO)
CS/29/06/2021