

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.14674 of 2020
and WMP.No.18239 of 2020

1.Malaiyappasamy
2.S.Palanisamy
3.P.Sridhar

.... Petitioners

Vs

1.The District Collector
Office of the District Collector
Erode District.

2.The Tahsildar
Kodumudi Taluk
Erode District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in application I.D.2019/0103/10/16 dated 16.12.2019 and quash the same as illegal and erroneous and may consequently direct the second respondent to change the patta in favour of the petitioners with respect to Sy.No.206 of Murungiyampalayam Village.

For Petitioners : Mr.P.Vijendran
assisted by Mr.A.Balakrishnan

For Respondents : Mr.S.N.Parthasarathi
Government Advocate

ORDER

The present petition is filed to quash the proceedings of the second respondent dated 16.12.2019 and to direct the second respondent to transfer the patta in favour of the petitioners as concerning the property in Sy.No.206 of Murungiyampalayam Village, Kodumudi Taluk, Erode District.

2. Mr.P.Vijendran, learned counsel appeared along with Mr.A.Balakrishnan, counsel on record for the petitioners, and

submitted that on a reading of the petition and the counter, there is an element of disconnect between the two. He explained that certain petitioners are the purchasers of a block of land from the heirs of one Palanisamy Gounder. Palanisamy Gounder while he was alive, has obtained Rs.15,28,930/- as compensation on the ground that his land was affected by the pollution of Noyyal river. He apparently claims himself as Ayacutdar of Noyyal river. Be that as it may, on his demise, the petitioners have purchased 12.19 acres in R.S.No.206 of Muringiyampalayam Village. He submitted that the petitioners have applied for transfer of patta, and the same is pending before the Tahsildar concerned. He also added that in the counter the Government has indicated that certain proceedings commenced against Palanisamy Gounder or his heirs on the ground that Palanisamy Gounder has obtained the aforesaid compensation without any ground for receiving it, as he was not a party affected by the pollution of Noyyal river, and some proceedings have been initiated under the Revenue Recovery Act, 1864. He added that the right of the Government to realise its alleged dues is in no way hamper the right of the petitioners as purchasers of the property. For the present, there is no order that is pending to be quashed and therefore, he submitted that he may be permitted to withdraw the present writ petition.

3. Heard Mr.S.N.Parthasarathi, learned Government Advocate for the respondents.

4. The learned Government Advocate submitted that, Palanisami Gounder has played fraud on the revenue and hence, Revenue Recovery Act has been invoked, and also added that the representation of the petitioners seeking transfer of patta has also been rejected, since there is an issue involving the concerned property is pending in SLP.No.2657/2018.

5. Whichever way it is looked at, there is no present cause of action for sustaining this petition and hence, this Court permits the petitioners to withdraw the present petition. Hence, this writ petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

ds

To:

1.The District Collector
Office of the District Collector
Erode District.

2.The Tahsildar
Kodumudi Taluk
Erode District.

+lcc to Government Pleader SR.No.16356

W.P.No.14674 of 2020

PCH(CO)
GMY(08/04/2021)



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