

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.9926 of 2021

V.S. Gunaseelan

...Petitioner

Vs

1. The District Collector,
Coimbatore District.
2. The Tahsildar,
Pollachi, Coimbatore.
3. Kari Varadaraja Perumal Temple
rep. by its Executive Officer,
Pollachi Town and Taluk,
Coimbatore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to delete the name of the 3rd respondent herein from the patta in respect of the property to an extent of 50 cents in Old T.S.No.256/2, New T.S.No.1207/B, Block No.23, Ward B , Pollachi.

For petitioner ... Mrs. AL. Ganthimathi
For respondents ... Mr. R. Janaki,
Govt. Advocate
for R1 & R2

ORDER

This writ petition has been filed seeking a direction to the second respondent to delete the name of the 3rd respondent from the patta and issue a patta in the name of the petitioner.

2. According to the petitioner, the petitioner is the owner of the property in Old T.S.No.256/2, New T.S.No.1207/B, block No.23, Ward B, Pollachi, to an extent of 50 cents. However, the name of the 3rd respondent is also inadvertently included in the patta. Hence, the petitioner made a

representation before the second respondent to delete the name of the third respondent and issue a patta in the name of the petitioner and the same has not been disposed of till date. Hence, the present writ petition has been filed.

3. 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 third respondent, notice to the third respondent is dispensed with.

4. The learned counsel for the petitioner would submit that there is a litigation between the temple and the other land owners in respect of some other properties. As far as the property in T.S.No.256/2, Ward B, Pollachi is concerned, no litigation is pending. However, inadvertently, the name of the third respondent is included in the patta.

5. The learned Government Advocate appearing for the respondents 1 and 2, on instructions, would submit that second respondent conducted enquiry and he will pass suitable orders within the time fixed by this Court.

6. Considering the facts and circumstances of the case and the limited prayer sought for in the writ petition, and also the petitioner's representation dated 21.10.2020 is pending with the second respondent, also considering the submission made by the learned Government Advocate, without going into the merits of the case, the second respondent is directed to consider the petitioner's representation dated 21.10.2020 and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioner as well as the third respondent, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp
To

1. The District Collector,
Coimbatore District.

2. The Tahsildar,
Pollachi, Coimbatore.

+1 CC to M/s.A.L. Gandhimathi, advocate sr 24507.

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PL (CO)
SP (20/05/2021)



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