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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26..07..2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

WRIT PETITION NO.15384 OF 2021

Sundarammal

... Petitioner

-Versus-

1. The District Collector,
Coimbatore & District.
2. The Assistant Director,
Survey and Land Records Department,
O/o The District Collector,
Coimbatore District.
3. The Revenue Divisional Officer,
O/o The District Collector,
Coimbatore District.
4. The Tahsildar,
Annur Taluk,
Coimbatore District.
5. O.A.Kandasamy

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing 4th respondent to take appropriate steps to cancel that Patta and the FMB Sketch issued to 5th respondent relating to comprised in S.No.70/4, situated in Masagoundenchettipalayam Village, Annur Taluk, Coimbatore District, based on the petitioner's representations dated 16.10.2020, 18.12.2020, 22.01.2021 within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondent(s) : Mr.Yogesh Kannadasan,
Government Advocate
For RR1 to 4



ORDER

[This matter has been heard through video conference]

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This writ petition has been filed seeking a direction to the 4th respondent to consider the petitioners representations dated 16.10.2020 seeking to cancel the Patta issued in the name of the 5th respondent in respect of the property comprised in S.No.70/4, situate in Masagoundenchettipalayam Village, Annur Taluk, Coimbatore District and the FMB sketch for the above said property, based on the petitioner's representations dated 16.10.2020, 18.12.2020 and 22.01.2021.

2. According to the petitioner, he had conveyed a land measuring an extent of 7 cents comprised in G.S.No.70, situated at Masagoundenchettipalayam Village, Annur Taluk, Coimbatore District, in favour of the 5th respondent and after the purchase of the above said land, the 5th respondent has encroached upon a land measuring 1.8 cents and also got patta for the same. In the above situation, the petitioner made a representation to the Tahsildar concerned seeking to cancel the patta in respect of the excess extent. The grievance of the petitioner is that his representation seeking cancellation of patta has not been considered. Hence, the present writ petition.

3. Heard both sides and also perused the records carefully.

4. From a careful perusal of the records available on record, it could be seen that while disposing a similar representation made by the petitioner earlier, the Tahsildar, by order dated 25.10.2019, rejected the claim of the petitioner and directed him to approach the civil court having jurisdiction. But, admittedly, till date, the petitioner has not chosen to challenge the order of the Tahsildar concerned in the manner known to law.

5. The learned counsel appearing for the petitioner would, however, contend that the Tahsildar had passed order without any notice to the petitioner and, therefore, he was not aware of the disposal of his representation and the orders thereof. In the above circumstances, the learned counsel prayed this court that the petitioner may be given an opportunity to challenge the same before the competent forum.

6. Considering the fact that a similar nature of representation of the petitioner was already considered by the Tahsildar, the prayer sought for in the writ petition cannot be granted and the writ petition is liable only to be dismissed.



In the result, the Writ Petition is dismissed. However, liberty is given to the petitioner to challenge the order dated 25.10.2019 passed by the Tahsildar in the manner known to law. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The District Collector,
Coimbatore & District.
2. The Assistant Director,
Survey and Land Records Department,
O/o The District Collector,
Coimbatore District.
3. The Revenue Divisional Officer,
O/o The District Collector,
Coimbatore District.
4. The Tahsildar,
Annur Taluk,
Coimbatore District.

+1cc to Mr.S.Sathia Chandran, Advocate, S.R.No.35687

+1cc to the Government Pleader, S.R.No.36281

WRIT PETITION NO.15384 OF 2021

RGN(CO)
PBS/24/08/2021