



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.23780 of 2018

P.Muthusamy

... Petitioner

Vs.

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer,
Erode District, Erode.

3.The Tahsildar,
Mundakurichi,
Erode District.

4.D.Shankar

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to consider his representation dated 29.01.2018 and remove the name of the 4th respondent herein in respect of the land in S.No.69/1 corresponding to old S.No.97, R.S.No.72/10 with corresponding to Old S.No.91/1 Rs.No.72/11 corresponding to Old S.No.95/2, R.S.No.72/12 corresponding to Old S.No.96, Kangeyampalayam Village, Mudukurichi Taluk, Erode.

For Petitioner

: Mrs.A.L.Gandhimathi

For Respondents 1 to 3

: Mr.Richardson Wilson
Counsel for Government

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents 1 to 3 herein to consider his representation dated 29.01.2018 and remove the name of the fourth respondent herein in respect of the land in S.No.69/1 corresponding to Old S.No.97, R.S.No.72/10 with corresponding to Old S.No.91/1 Rs.No.72/11 corresponding to Old S.No. 95/2, R.S.No.72/12 corresponding to Old S.No.96, Kangeyampalayam Village, Mudukurichi Taluk, Erode.



2.The case of the petitioner is that, the petitioner is the owner of the property at Survey No.69/1 at Kangeyampalayam Village, Modakurichi Taluk, Erode District, the corresponding survey number for the said land is S.No.97.

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3.When that being so, according to the petitioner, the fourth respondent seems to have purchased the adjacent land i.e., the Old S.No.98 and after purchasing the same, with that strength, he was able to obtain patta for the land belongs to the petitioner i.e., Old S.No.97 New S.No.69/1 also in Patta No.368.

4.After coming to know the aforesaid issuance of patta in the name of the fourth respondent of the property of the petitioner at S.No.69/1, the petitioner, in order to cancel the said patta and to issue a separate patta in the name of the petitioner in respect of the property of the petitioner at S.No.69/1, had given a detailed representation on 29.01.2018 to the first respondent District Collector with a copy marked to the second and third respondents.

5.However, the said representation since has not been considered by the said official respondents, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

6.Heard Mrs.A.L.Gandhimathi, learned counsel appearing for the petitioner, who having reiterated the aforesaid facts, would seek indulgence of this Court to give a suitable direction to the respondents, especially, the second respondent fixing a time frame.

7.Though notice has been served on the fourth respondent and the name of the fourth respondent has been shown in the cause list, none appears for the fourth respondent.

8.Mr.Richardson Wilson, learned counsel for Government appearing for the official respondents 1 to 3 would submit that, if at all the petitioner has given a representation on 29.01.2018 to the respondents with regard to the change of patta in respect of his land, as claimed by him, the same would be considered and after having heard the petitioner as well as the fourth respondent by giving separate notices to them that would be decided and final order shall be passed by the respondents within a time frame that may be stipulated by this Court.

9.Considering the said submissions made by the learned counsel appearing for the parties and having gone through the records filed before this Court, this writ petition is disposed of with the following orders:



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That there shall be a direction to the respondents, especially, the respondents 2 and 3 to consider the representation of the petitioner dated 29.01.2018 and after giving notices to both the petitioner as well as the fourth respondent and hearing them on the issue raised by the petitioner, the said representation shall be decided and final order shall be passed and a copy of the same shall be communicated to both the parties. The needful, as indicated above, shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

10. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The District Collector,
Erode District, Erode.
2. The Revenue Divisional Officer,
Erode District, Erode.
3. The Tahsildar,
Mundakurichi,
Erode District.

+1cc to M/s.A.L.Ganthimathi, Advocate, S.R.No.28105
+1cc to the Government Pleader, S.R.No.28145

W.P.No.23780 of 2018

PCH(CO)
CB(20/07/2021)