



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16649 of 2021

R. Moorthy

....Petitioner

Vs.

1. The District Collector,
Salem District, Salem.
2. The District Revenue Officer,
Salem, Salem District.
3. The Revenue Divisional Officer,
Attur, Salem District.
4. The Tahsildar,
Attur Taluk, Attur,
Salem District.
5. A.Arasu

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 12.05.2021 within a stipulated time as fixed by this Hon'ble Court and pass appropriate orders accordingly.

For Petitioner : Mr.C. Prakasam

For Respondents 1 to 4 : Mr.Yogesh Kannadasan
(Government Advocate)

For Respondent-5 : R. Rajarajan



O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 12.05.2021 within a stipulated time as fixed by this Hon'ble Court and pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents as well as perused the material available on records.

3. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side, it is seen that the petitioner claims the right over the property ad-measuring 1635 Sq.ft comprised in S.No.16/16 based on the Gift Deed dated 20.08.2012 alleged to have been executed by his father Rayappan. However, the 5th respondent herein who has been impleaded by order dated 02.11.2021 of this Court, denies the same as the the petitioner and his father have fraudulently created the gift deed and mutated the revenue records in the name of the petitioner. Based on the representation dated 28.09.2020 made by the father of the 5th respondent herein, the Revenue Official conducted an enquiry in this regard and police complaint had also been lodged against the petitioner herein. Under such circumstances, this Court without expressing any opinion with regard to the merits of the case, directs the respondents to consider the petitioner's representation dated 12.05.2021 and pass appropriate orders on it within a period of five months from the date of receipt of copy of this order in accordance with law after holding an enquiry in this regard and duly serving notice to parties concerned. Further the petitioner and 5th respondent are at liberty to prove their claim by producing the title documents relied by them before the respondents herein.

4. In the result, the Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Lbm



To:

1. The District Collector,
Salem District, Salem.
2. The District Revenue Officer,
Salem, Salem District.
3. The Revenue Divisional Officer,
Attur, Salem District.
4. The Tahsildar,
Attur Taluk, Attur,
Salem District.

+1cc to Mr.R.Rajarajan, Advocate, S.R.No.67014

+1cc to the Government Pleader, S.R.No.57599

W.P.No.16649 of 2021

SMI (CO)
SU(07/01/2022)