



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.17605 of 2021

M. Rajendran

... Petitioner

-Vs-

1. The District Collector.
Tiruppur.

2. The Tahsildar,
Madathukulam,
Tiruppur District.

3. The Village Administrative Officer,
Myvadi Village, Madathukulam,
Tiruppur District.

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondents not to interfere with the petitioner's peaceful possession and enjoyment with respect to the subject matter property comprised in SF No.397/2, Karuppusamy Pudhur, Myvadi Village, Madathukulam Taluk, Tiruppur District by considering the petitioner's representation dated 28.07.2021 and pass appropriate orders accordingly.

For Petitioner

:: Mr. D.R. Arun Kumar

For Respondents

:: Mr. Yogesh Kannadasan

(Government Advocate)

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O R D E R

The relief sought for in this writ petition is for a direction to the respondents not to interfere with the petitioner's peaceful possession and enjoyment with respect to the subject matter property comprised in SF No.397/2, Karuppusamy Pudhur, Myvadi Village, Madathukulam Taluk, Tiruppur District by considering the petitioner's representation dated 28.07.2021 and pass appropriate orders accordingly.



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

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3. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, it is seen that the petitioner's father along with his brothers has filed O.S.No.64 of 1961 on the file of the District Munsif Court, Udumalpet against the District Collector, Coimbatore for the relief of declaration of title and consequential permanent injunction with regard to the aforesaid property. The said suit was decreed in their favour on 26.11.1963. Aggrieved, the District Collector Coimbatore has preferred an Appeal in A.S. No.33 of 1965 on the file the Sub-Court, Udumalpet and the said appeal came to be dismissed on 04.01.1967 and hence, the matter has attained finality since the respondent has not filed second appeal against the Judgment of the First Appellate Court. Under such circumstances, the 2nd respondent without any show cause notice, has approached petitioner and directed to hand over the part of the property in S.F. No.397/2 by stating as the Government land. Hence, the petitioner has filed a representation dated 28.07.2021 before the 1st respondent seeking his relief. In the absence of any other records to show whether the second appeal has been filed against the Judgment of the First Appellate Court, the submission of the learned Government Advocate appearing for the respondents cannot be accepted. Hence, this Court without expressing any opinion with regard to the merits of the case, directs the authorities/respondents herein to consider the representation dated 28.07.2021 made by the petitioner herein and pass appropriate orders on it within a period of fifteen weeks from the date of receipt of copy of this order in accordance with law after affording sufficient opportunity to the petitioner herein.

4. With the aforesaid directions, the Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar(CJ conf)

// True Copy //

Sub Assistant Registrar

Lbm



To:

1. The District Collector,
Tiruppur.

2. The Tahsildar,
Madathukulam,
Tiruppur District.

3. The Village Administrative Officer,
Myvadi Village, Madathukulam,
Tiruppur District.

+1cc to Mr.D.R.Arunkumar, Advocate SR.No.54943

+1cc to the Government Pleader, SR.No.55878

W.P. No.17605 of 2021

CB(22/12/2021)