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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27366 of 2021

and

WMP No.28879 of 2021

N.Rangarajan

... Petitioner

Vs

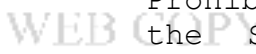
1. The Sub Collector,
Collectorate,
Kallakurichi District,
Tamilnadu.
2. The District Revenue Officer,
Kallakurichi District.
3. The Revenue Divisional Officer,
Kallakurichi District-606 202.
4. The Tahsildar,
Sankrapuram Taluk,
Kallakurichi - 606 213.
5. The Superintendent of Police,
Kallakurichi,
Kallakurichi District.
6. M.Govindarajan
7. Subramani

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Prohibition by prohibiting and preventing the first respondent, the Sub-Collector, Kallakurichi District from in any way proceeding with enquiry in Na.Ka.A2/2936/2020, dated 20.01.2021 by first respondent for cancellation of patta Nos.113 to 117 in 141OP & F.

For Petitioner : Mr.N.A.Kareem

For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader
(for R1 to R5)



ORDER

This writ petition is filed to issue a Writ of Prohibition by prohibiting and preventing the first respondent, the Sub-Collector, Kallakurichi District from in any way proceeding with enquiry in Na.Ka.A2/2936/2020, dated 20.01.2021 by first respondent for cancellation of Patta Nos.113 to 117 in 1410P & F.

2. The petitioner was issued with patta by the Government on genuine consideration made by the petitioner as he was in poor economic condition, after verification and survey in respect of the land ad-measuring 12 cents in favour of the petitioner and his relatives. However, it is challenged by the respondents 6 and 7 before the third respondent and it is pending for enquiry on the ground that the petitioner and other beneficiaries are not hailing from Aroor Village, Sangarapuram Taluk, Kallakurichi District. On receipt of the same, the third respondent issued notice to the petitioner for enquiry which was to be held on 02.08.2021. Now the enquiry is still pending on the file of the third respondent.

3. The learned counsel for the petitioner submitted that, on verification of all the documents and economic condition of the petitioner, the Government of Tamil Nadu issued patta to the petitioner. On personal grudge over the issuance of patta to him, the respondents 6 and 7 lodged a false complaint and without prima-facie, the third respondent had taken the same on file and issued summons for enquiry. Though the petitioner was issued with patta on verification of his economic condition, the respondents 6 and 7 made a complaint on the ground that the petitioner and other neighbours are not hailing from the Aroor Village and they are not entitled for patta. However, the complaint lodged by them was taken on file and notice was issued to the petitioner for enquiry.

4. Considering the above facts and circumstances of the case, the third respondent is directed to conduct enquiry, after giving opportunity of hearing to the petitioner and other beneficiaries, if any on the complaint lodged by the respondents 6 and 7 herein and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. However, the petitioner is at liberty to produce the relevant documents to substantiate his claim before the third respondent.



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5. With the above direction, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Sub Collector,
Collectorate,
Kallakurichi District,
Tamilnadu.
2. The District Revenue Officer,
Kallakurichi District.
3. The Revenue Divisional Officer,
Kallakurichi District-606 202.
4. The Tahsildar,
Sankrapuram Taluk,
Kallakurichi - 606 213.
5. The Superintendent of Police,
Kallakurichi,
Kallakurichi District.

+1cc to M/s.N.A.Kareem, Advocate, S.R.No.68889

+1cc to the Government Pleader, S.R.No.69537

W.P.No.27366 of 2021

KSM(CO)
SU(11/01/2022)