



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.09.2021

CORAM:

WEB COPY

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.20609 of 2021

C. Elangovan

... Petitioner

-Vs-

1.The District Collector,
Collectorate,
Salem - 636 001.
Salem District.

2.The Revenue Divisional Officer,
Sankari - 637 301.
Salem District.

3. The Tahsildar,
Sankari Taluk,
Salem District.

4. C. Muthusamy

... 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 1 to 3 to consider the petitioner's representation dated 08.01.2021, 09.04.2021, 29.04.2021 and 07.08.2021 to include his name along with his mother Vellachi and brother Thangam in Patta No.636 in respect of 41 cents comprised in S.F. No.17/4, Pudur Village, Sankari Taluk, Salem District and pass orders accordingly.

For Petitioner	:: Mr. R. Dharshan (For N. Manokaran)
For Respondents-1-3	:: Mr.Yogesh Kannadasan (Government Advocate)
For Respondent 4	:: No Appearance

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O R D E R

The relief sought for in this writ petition is for a direction to the respondents 1 to 3 to consider the petitioner's representation dated 08.01.2021, 09.04.2021, 29.04.2021 and 07.08.2021 to include his name along with his mother Vellachi and brother Thangam in Patta No.636 in respect of 41 cents comprised in S.F. No.17/4, Pudur Village, Sankari Taluk, Salem District and pass orders accordingly.



2. The learned counsel for the petitioner would submit that as the subject matter properties measuring an extent of 41 cents comprised in S.F. No.17/4, Pudur Village, Sankari Taluk, Salem District are ancestral in nature and were originally owned by petitioner's grand father late Arunachalam and his brother Chinna Gounder. After the death of petitioner's grand father, his son namely Chinna Gounder has taken over the half of property on the southern side and enjoyed the same. After the death of Chinna Gounder, his son Mr.Muthusamy/4th respondent herein has taken over half of the property on the northern side. While being so, the 4th respondent taking advantage of the name similarity as Chinna Gounder, has managed to get Patta in his name on either portion. After knowing this, the petitioner has filed the several representations dated 08.01.2021, 09.04.2021, 29.04.2021 and 07.08.2021 to include his names along with his family members. As there is no action nor reply on his representations as stated above, the petitioner is left with no other alternative and efficacious remedy except to approach this court by invoking its jurisdiction under Article 226 of Constitution of India to consider the same and pass appropriate order in accordance with law.

3. The learned Government Advocate for the respondents 1 to 3 would submit that the respondents 1 to 3 may be directed to consider the representations dated 08.01.2021, 09.04.2021, 29.04.2021 and 07.08.2021 of the petitioner within a stipulated period as fixed by this Court after verifying the documents relied by the petitioner herein.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3 as well as perused the material available on records.

5. Having considered the facts and circumstances of the case and submissions made by the learned counsel for both sides, this Court without expressing any opinion with regard to merits of the case, directs the respondents 1 to 3 to conduct the enquiry in this regard and consider the representations dated 08.01.2021, 09.04.2021, 29.04.2021 and 07.08.2021 made by the petitioner herein and pass appropriate orders within a period of four months from the date of receipt of copy of this order after affording sufficient opportunity to the petitioner herein in accordance with law.

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

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Lbm



To:

1.The District Collector,
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Salem District.

2.The Revenue Divisional Officer,
Sankari - 637 301.
Salem District.

3. The Tahsildar,
Sankari Taluk,
Salem District.

+1 cc to Mr.N. Manokaran , Advocate Sr.NO. 49704

+1 cc to Government Pleader Sr.NO. 50493

W.P. No.20609 of 2021

bs (CO)

A.SK(09.12.2021)