



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.22817 of 2021

S. Tamilarasan ...Petitioner
Versus
1. The District Collector,
Salem District,
Salem - 636 001.
2. The Revenue Divisional Officer,
Attur Division, Salem District - 636 102.
3. The Tahsildar,
Thalaivasal Taluk,
Salem District - 636 112. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to conduct the inquiry about the patta No.497 comprised in Survey Nos.171 and 172/2 at Aaragalur Village, Thalaivasal Taluk, Salem District based on the memo dated 18.11.2020 filed by the 2nd respondent.

For Petitioner : Mr. T.Velu

For Respondents : Mr. Yogesh Kannadasan,
Government Advocate.

ORDER

This writ petition has been filed seeking for a direction to the 3rd respondent/Tahsildar to conduct the inquiry about the Patta No.497 comprised in Survey Nos.171 and 172/2 at Aaragalur Village, Thalaivasal Taluk, Salem District.

2. The case of the petitioner is that he is the owner of the aforesaid property, who is in possession and enjoyment of the said property and there is a panchayat road on the western side of the petitioner's property and his family members and also the Village people are using the same to reach their residence. However, on the other side of the said property, one person namely Mr.Kannan, S/o. Periyasamy, who is having agricultural land and now, he has got Patta No.497 in his name in the



aforesaid property. Moreover, the Panchayat road is reflected in the Aaragalur Village Map, FMB sketch and also the patta stands in the name of Mr.Kannan.

3. In this regard, the petitioner made a representation before the 2nd respondent on 16.10.2020 to cancel the said patta. On receipt of the said representation, the 2nd respondent/Revenue Divisional Officer directed the 3rd respondent/Tahsildar, Thalaivasal Taluk to inspect the property and send a report to him by his letter in Na.Ka.4394/2020/Aa1, dated 18.11.2020. Due to Covid-19 pandemic situation, the 3rd respondent was unable to conduct the inquiry regarding the said patta and also Taluk Office had changed from Attur to Thalaivasal. Thereafter, the petitioner made a representation before the respondents on 07.09.2021 to cancel the patta stands in the name of Mr.Kannan. After receiving the said representation, the respondents did not conduct any inquiry on the petitioner's representation. Hence, the petitioner has come forward with the present writ petition.

4. Heard both side and perused the records.

5. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 3rd respondent to conduct the inquiry as per the memo dated 18.11.2020 filed by the 2nd respondent and pass appropriate orders within a stipulated time that may be framed by this Court.

7. Having regard to the limited scope of the prayer that is now sought in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, the 3rd respondent/Tahsildar is directed to conduct an inquiry as per the memo dated 18.11.2020 filed by the 2nd respondent and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and necessary parties within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sp/msm



To

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

2. The Revenue Divisional Officer,
Attur Division,
Salem District - 636 102.

3. The Tahsildar,
Thalaivasal Taluk,
Salem District - 636 112.

+1cc to Mr.T.Velu, Advocate, S.R.No.55760

+1cc to the Government Pleader, S.R.No.55875

W.P.No.22817 of 2021

VG-II(CO)
RGA(12/11/2021)