



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.23106 of 2021

and

WMP No.24354 of 2021

K.1594 Perumanallur Primary Agricultural
Co-operative Credit Society,
rep. By its President,
M.Ponnulingam M/56,
Perumanallur Village - 641 666
Avinashi Taluk, Tiruppur District

... Petitioner

Vs.

1. The District Collector,
Thiruppur District,
Thiruppur
2. The Tahsildar,
Avinashi Taluk, Avinashi,
Thiruppur District

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.ka.(A.A.) 966/2018/S, dated Nil.03.2018 and quash the same and consequently, direct the respondents to measure the petitioner-society land situated in Old S.No.274B/1A, 1A (New S.No.377/16, 17, Perumanallur Village, Avinashi Taluk, Tiruppur District and make sub division by issuing separate patta in the name of the petitioner society.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage.



2. The present Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.ka. (A.A.) 966/2018/S, dated Nil.03.2018 and quash the same and consequently, direct the respondents to measure the petitioner-society land situated in Old S.No.274B/1A, 1A (New S.No.377/16, 17, Perumanallur Village, Avinashi Taluk, Tiruppur District and make sub division by issuing separate patta in the name of the petitioner society.

3. The case of the petitioner is that the petitioner was elected as President of the petitioner-society. The said society is a registered society from the year 1956 and the said society is functioning with more than 8300 members, all the members are agriculturists and in every year, the society transactions like deposits, loans and mortgaging jewels worth about more than Rs.24 Crores were taking place. Further, the society is running in the building, which is situated in old S.No.274B/1A, 1A, 1A (New S.No.377/16, 17, Perumanallur Village, Avinashi Taluk, Tiruppur District and the said land was gifted by village people, Avinashiappa Gounder in the year 1949, subsequently, in the year 1956, the society building was constructed, but some of the anti-social elements made attempt to encroach the said society building land. In the said circumstances, the petitioner society approached the learned District Munsif, Avinashi and filed O.S.No.235 of 2018 for permanent injunction and the same was decreed on 24.08.2021 in favour of the petitioner-society .

4. It is also the case of the petitioner that before filing the suit, the petitioner approached the 2nd respondent and made a request to measure the boundaries of the society building and land in New S.No.377/16, 17, Perumanallur village, Avinashi Taluk, Tiruppur District in order to avoid any encroachment, since the society building is having the mortgaged jewels worth about several crores, for safe custody of the said jewels, the society was about to construct the compound wall and erect wired fencing, but the 2nd respondent rejected the same and passed orders in his proceedings in Na.Ka.No.(a.A.) 966/2018/S, dated Nil.03.2018 by assigning reason that the above said land is classified as Sarcar Poramboke land, hence left with no other option, the petitioner was waiting for the disposal of the suit and the suit was decreed on 24.08.2021. Hence the petitioner has come up with this writ petition.

5. The learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the second respondent to consider the petitioner's representation dated 06.10.2021 and dispose of the same within a stipulated



time that may be framed by this Court.

6. Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents, on instructions from the officer of the respondent/Department submitted that a direction may be issued to the respondent to consider the prayer of the petitioner and twelve weeks time may also be granted to the respondent to consider the same.

7. Having regard to the limited scope of the prayer that is now sought for 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, with a direction to the second respondent to consider the petitioner's representation dated 06.10.2021, measure the subject property, after issuing notice to the parties concerned and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The District Collector,
Thiruppur District,
Thiruppur
2. The Tahsildar,
Avinashi Taluk, Avinashi,
Thiruppur District.

+1cc to M/s.C.Prakasam, Advocate, S.R.No.56488

W.P.No.23106 of 2021 and
WMP No.24354 of 2021

RGN(CO)
SU(29/11/2021)