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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.NO.22912 OF 2019

Siva Nedunchezian

... Petitioner

Vs

1. The District Collector,
Perambalur District,
Perambalur.
2. The District Revenue Officer,
Perambalur District.
3. The Revenue Divisional Officer,
Perambalur,
Perambalur District.
4. The Tahsildar,
Kunnam Taluk,
Perambalur District.
5. The Assistant Director of Land Survey,
Perambalur District,
Perambalur.
6. The Head Surveyor,
Kunnam Taluk,
Perambalur District.
7. S.Kuppuchamy
8. K.Pannerselvam

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 6 herein to cancel the patta obtained by the 7th and 8th respondents in respect of the lands comprised in survey



No.25-12B situated at Olaipadi East Village, Kunnam Taluk, Perambalur District and issue patta in the petitioner name on the basis of the petitioner's representation dated 10.06.2019 within the time stipulated by this Court.

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For Petitioner : Mr.T.Shanmugam
For Respondents
For R1 to 6 : Mr.A.Selvendran,
Special Government Pleader
For R7 & 8 : Mr.R.Ragavendran

ORDER

This writ petition has been filed challenging the patta issued in favour of the 7th and 8th respondents in respect of the land comprised in survey No.25-12B situated at Olaipadi East Village, Kunnam Taluk, Perambalur District and issue patta in the petitioner's name on the basis of the petitioner's representation dated 10.06.2019.

2. For the very same property, the seventh respondent herein filed suit in OS.No.107 of 2014 on the file of the District Munsif Court, Perambalur for declaration and permanent injunction. The said suit was dismissed for default by the judgment and decree dated 19.07.2018. The restoration petition was also dismissed by order dated 05.12.2019 in IA.No.1 of 2019. While pending the suit, the seventh respondent filed writ petition before this Court in WP.No.29736 of 2014 and this Court by order dated 15.12.2014 dismissed the writ petition and observed that the revenue officials cannot initiate any enquiry in respect of the lands that form the subject matter of the civil suit. Now the suit is dismissed for default and the restoration petition is also dismissed.

3. Considering the above, the third respondent is directed to conduct enquiry on the application submitted by the petitioner and, after issuance of notice to the petitioner and respondents 7 & 8 and giving them opportunity of hearing, pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.



4. With the above direction, this writ petition is disposed of. No order as to costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Perambalur District,
Perambalur.
2. The District Revenue Officer,
Perambalur District.
3. The Revenue Divisional Officer,
Perambalur,
Perambalur District.
4. The Tahsildar,
Kunnam Taluk,
Perambalur District.
5. The Assistant Director of Land Survey,
Perambalur District,
Perambalur.
6. The Head Surveyor,
Kunnam Taluk,
Perambalur District.

+1cc to Mr.R.Murali, Advocate, S.R.No.59539
+1cc to Mr.T.Shanmugam, Advocate, S.R.No.59305
+1cc to the Government Pleader, S.R.No.60063

WP.No.22912 of 2019

PL(CO)
PM/02/12/2021