



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.32289 of 2019

K. Mohamed Ali.

...Petitioner

Versus

1. The District Collector,
Collectorate, Perambalur.
2. The District Revenue Officer,
DRO Office, V. Kalathur Division.
Perambalur District.
3. The Tahsildar,
V. Kalathur Division.
Perambalur District.
4. Maimunisha Liaquath.
5. Mustiri Begam.
6. Fareedha Gani.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 22.07.2019 to conduct enquiry and pass appropriate orders in respect of the cancellation of patta in Government Poromboke land in Patta No.472/2, 472/8 in V.Kalathur Village, Perambalur District.

For Petitioner : Mr. T. Dharani

For Respondents 1 to3 : Mr.K.M.D. Muhilan
Government Advocate

For Respondent-4 : Mr.S. Doraisamy
For Mr.V.Elangovan

R6 : Served - NA

R5 : Died

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 22.07.2019 to conduct an



enquiry and pass appropriate orders in respect of the cancellation of patta on Government Poromboke land in Patta No.472/2, 472/8 at V.Kalathur Village, Perambalur District.

2.The case of the petitioner is that he had constructed a house in his ancestral property at V.Kalathur Village vide Patta No.472/2. The rear side of the petitioner's house on Government Poromboke land vide Patta No.472/2, 472/8 and the adangal pertaining to the same land stands in the name of Government Poromboke land. He has been using the said land as pathway to manger of cattle. The said land vide Patta No.472/7 was allotted to the sixth respondent and 472/8 was allotted to the fourth and fifth respondents by the Village Administrative Officer without the knowledge of the Tahsildar. The fourth respondent has owned lands in Patta No.986 comprised in Survey Nos.78/12B, 78/17A, 78/3, 78/4A, 78/6A, 78/6D, 78/1, 78/12A and 78/4B and also two floors of super built house at V.Kalathur Village, Natham No.472/2. The fifth respondent family owns built a house and super built house in Survey Nos.472/5 and 6. Nevertheless, by suppressing these facts the Village Administrative Officer illegally issued a Patta in favour of 4 to 6 without the knowledge of the Tahsildar. Thereafter, he has approached the Tahsildar to issue Patta for the said lands used by him as pathway to manger cattle, but the Tahsildar had refused to issue Patta in his name and also states that the patta cannot be offered to any individual on the Government Poromboke lands and supplied the copies of the Adangal for Patta No.472/7 and 472/8 to the petitioner. In the meanwhile, the respondents 4 & 5 sold the said Government Poromboke lands, including the petitioner's land and shared the profits with the Village Administrative Officer. Hence, the petitioner sent a representation to the first respondent/Collector on 09.10.2017 to cancel the patta issued illegally and the first respondent conducted an enquiry in the Tahsildar's Office. After a long gap of months, no decision has been taken on account of interference by the Village Administrative Officer. Subsequently, an enquiry was conducted by the Revenue Divisional Officer and the District Collector passed an order dated 18.02.2019 to the Revenue Divisional Officer to conduct an enquiry and remove the pathway and submitted a report for the same. Thereafter, the petitioner sent a representation on 22.07.2019 to the District Collector to pass appropriate orders on patta. On receipt of such representation, till date, no action has been taken by the respondents. Therefore, the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India.

3.The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the representation of the



petitioner dated 22.07.2019 to conduct enquiry and pass appropriate orders in respect of the cancellation of patta on Government Poromboke land in Patta No.472/7, 472/8 at V.Kalathur Village, Perambalur District.

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4. The learned counsel appearing for the fourth respondent submitted that the petitioner's wife viz., the fourth respondent had filed a writ petition in W.P.No.349 of 2018, wherein, it has been observed that the very same similar prayer "directing the 2nd respondent to consider and pass appropriate orders on the petitioner representation dated 09.10.2017 for cancellation of Mania Vaari Patta No.1521, dated 05.02.2016 issued in Survey Nos.472/7 and 472/8" and the same is pending for consideration and directing the Revenue Divisional Officer to pass appropriate orders. Consecutively, the petitioner herein has also filed this writ petition in W.P.No.32289 of 2019 on the similar facts.

5. Heard both side and perused the records.

6. On perusal of the typed set of papers, it is seen that the petitioner's wife/fourth respondent had filed a writ petition in W.P.No.349 of 2018, wherein, it has been observed that the very same similar prayer, earlier this Court directed the 2nd respondent to consider and pass appropriate orders on the petitioner's representation dated 09.10.2017 and subsequently, the petitioner herein has also filed this writ petition in W.P.No.32289 of 2019 on the similar facts. While that being the case, the petitioner herein had suppressed the above facts in the present writ petition.

7. Having regard to the limited scope of the prayer that is now sought for in this writ petition and taking into account the submissions made on either side, the Writ Petition is dismissed. However, the petitioner herein is directed to pay Rs.2,000/- (Rupees Two Thousand Only) as cost to the Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai - 600 036, Ph: 044-22209150. After making the payment, the Competent Authority is directed to conduct an enquiry based on the representation of the petitioner dated 22.07.2019 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

msm



To

1. The District Collector,
Collectorate, Perambalur.
2. The District Revenue Officer,
DRO Office, V. Kalathur Division.
Perambur District.
3. The Tahsildar,
V. Kalathur Division.
Perambur District.

Copy To

The Dean,
Cancer Institute (WIA),
No.38, Sardar Patel Road,
Adyar, Chennai - 600 036.

+1cc to Mrs.T.Dharani, Advocate, S.R.No.47038
+1cc to Mr.S.Doraisamy, Advocate, S.R.No.46783
+1cc to the Government Pleader, High Court, Madras S.R.No.47203

W.P.No.32289 of 2019

EV(CO)
RGA(11/01/2022)