

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.04.2021
CORAM
THE HON'BLE MR.JUSTICE R. SURESH KUMAR
Writ Petition No.28690 of 2017

Mohamed Rafi Sait

... Petitioner

-Vs-

1. The District Collector,
Udhagamandalam,
Niligiri District - 643 001.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Udhagamandalam,
Niligiri District - 643 001.
3. The Tahsildar,
O/o. The Tahsildar Office,
Udhagamandalam,
Niligiri District - 643 001. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to conduct the enquiry to cancel the illegal allotment made in Jamabandhi and transfer the patta in the petitioner name based on the petitioner representation dated 10.08.2015 and reminder representation dated 05.05.2017 within stipulated time may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Murugabharathi
For Respondents : Mr.N. Inbanathan,
Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus to direct the 2nd respondent to conduct the enquiry to cancel the illegal allotment made in Jamabandhi and transfer the patta in the petitioner name based on the petitioner representation dated 10.08.2015 and reminder representation dated 05.05.2017 within stipulated time may be fixed by this Hon'ble Court.

2. The case of the petitioner is that, R.S.No.2634, Ootacamund Town, Udhagamandalam, Nilgiris District is claimed to be the ancestral property of the petitioner, which the petitioner is said to have inherited. However, without notice

to the petitioner, in a Jamabandhi held by the Revenue Department, it has been allotted to various private individuals and accordingly patta has also been issued to those individuals, without notice to the petitioner and therefore, in order set right the same and cancel the patta, the petitioner made a representation dated 10.08.2015 to the first respondent followed by reminders and further representation also had been given by the petitioner to the respondents on 03.05.2017 and 05.05.2017. However, since nothing was giving desired result and no order so far has been passed on such representations by the respondents, especially the third respondent, the petitioner has approached this Court with the aforesaid prayer.

3. Heard Mr.R.Murugabharathi, learned counsel appearing for the petitioner, who has reiterated the aforesaid facts and he seeks the indulgence of this Court to issue suitable direction to the respondents to consider the representations of the petitioner and pass orders within a time frame.

4. Heard Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents, who would submit that, if at all any representation, as claimed by the petitioner, has been submitted to the respondents especially the third respondent, the same would be decided, of course, after giving due opportunity of hearing to the petitioner as well as the beneficiaries ie., the private individuals in whose favour allegedly the patta was given by the Revenue Department in the Jamabandhi, within a time frame to be stipulated by this Court.

5. I have considered the submissions made by the learned counsel appearing for both sides and have gone through the materials placed on record.

6. In view of the said innocuous nature of the prayer and by taking into account the submissions made by both sides, I am inclined to dispose of this writ petition with the following order.

7. That the respondents, especially the third respondent is directed to consider the representation of the petitioner dated 05.05.2017 followed by reminders given in this regard in respect of the land in question, and after giving due opportunity of hearing to the petitioner as well as the other individuals who are also involved in the land in question, by giving separate notices to them, decide the issue and dispose of the representation by passing appropriate final orders, within a period of three months from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is

disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kst

To

1. The District Collector,
Udhagamandalam,
Niligiri District - 643 001.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Udhagamandalam,
Niligiri District - 643 001.
3. The Tahsildar,
O/o. The Tahsildar Office,
Udhagamandalam,
Niligiri District - 643 001.

+cc to M/s.R.Murugabharathi, Advocate SR.No.22678

+cc to Government Pleader SR.No.23103

W.P.No.28690 of 2017

PL(CO)

baf 04/05/2021

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