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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.35749 of 2019

R.Kalappan

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Mettupalayam Taluk,
Mettupalayam,
Coimbatore District.

(R2 impleaded vide order dt.9.1.2020 made
in WMP.No.506/2020 in W.P.No.35749/2019)

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the respondent to consider the representation of the petitioner dated 25.11.2019 in accordance with law, by issuing patta in favour of the petitioner for the land measuring about 4.57 acres bearing Survey No.982/1B, 982/2B situated at Chikkanasanpalayam, Mettupalayam Taluk, Coimbatore District.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.K.M.D.Muhilan
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the respondent to consider the representation of the petitioner dated 25.11.2019 in accordance with law, by issuing patta in favour of the petitioner for the land measuring about 4.57 acres bearing Survey No.982/1B, 982/2B situated at Chikkanasanpalayam, Mettupalayam Taluk, Coimbatore District.

2.The case of the petitioner is that he is an agriculturist and his forefather Nanjappa was assigned patta in L.Dis/21462/49 dated 29.8.1950 measuring an extent of 4.57 acres bearing Survey Nos.982/1B, 982/2B situated at the aforementioned land.

3.According to the petitioner, the said land was cultivated by the petitioner's fore father Nanjappa Chettiar



and his son Chokkalinga Chettiar and his son Rengasamy Chettiar and thereafter, his wife viz., Mallammal also died and after her demise, the same was cultivated by one P.R.Somasundaram and thereafter refused to part with profits.

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4.The petitioner submits that he submitted a representation to the first respondent on 25.11.2019 to consider the same in accordance with law, but the same has not been considered.

5.The petitioner further submits that the act of the respondent is violated under Article 300 A of the Constitution of India.

6.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

7.Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 3 and perused the materials available on record.

8.In view of the above and the submission made by the petitioner, this Court is of the view that the respondents shall consider the representation of the petitioner dated 25.11.2019 and pass appropriate orders in accordance with law after giving sufficient opportunities to all the parties concerned, whoever claiming right over the property, within a period of five months from the date of receipt of a copy of this order.

9.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Pam

To

1.The District Collector,
Coimbatore District, Coimbatore.

2.The Tahsildar,
Mettupalayam Taluk,
Mettupalayam, Coimbatore District.

+1cc to the Government Pleader, S.R.No. 45508

W.P.No.35749 of 2019

PMK (CO)
GN(13/10/2021)