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W.P.No.25408 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25408 of 2015

N.Muthu

... Petitioner

Vs.

1.The District Collector
Vellore,
Vellore District.

2.The Revenue Divisional Officer (R.D.O),
Ranipet,
Vellore District.

3.The Tahsildar,
Arakonam Taluk,
Vellore District.

4.M.Govindasamy Reddy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 16.07.2015 and 25.07.2015 and to pass order on merit after conducting enquiry and after issuing notice to



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the fourth respondent within a time frame as may be fixed by this Hon'ble Court, for resumption and restoration of possession.

For Petitioner : Mr.S.Arokia Maniraj
For Respondents : Mr.U.Baranidharan for R1 to R3
Additional Government Pleader
Mr.C.Chokkalingam for R4

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 16.07.2015 and 25.07.2015 and to pass order on merits after conducting enquiry and after issuing notice to the fourth respondent within a time frame, for resumption and restoration of possession.

2.The case of the petitioner is that the lands in S.No.Dry 452/1B and in S.No.452/1C in Palayapalayam Revenue Village, Arakonam was conditionally assigned in favour of the petitioner's father and D Form Patta was also issued in his favour, however, taking advantage of his ignorance, the fourth respondent transferred the Patta in his favour. In this regard, the petitioner made representation to the respondents and since there was no response, has filed this writ petition.



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3.The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the official respondents to consider the petitioner's representations dated 16.07.2015 and 25.07.2015 and to pass appropriate orders, within a reasonable time frame.

4.The respondents have filed a counter affidavit, wherein, it is stated that the records reveals that the lands in S.Nos.452/1B and 452/1C are classified as DC, dry Patta land and the lands were purchased by one Narasimman vide document no.618/1971 and not assigned lands. Thereafter, he sold the said land to one Muniyammal vide document no.1190/1973. In the meanwhile, one Muthu son of Narasimman/ petitioner and his mother Sarojammal sold the very same land to one Mani and Bheema Rao. Hence, one Govindasamy son of Muniyammal filed suit in O.S.No.92 of 2010 on the file of the District Munsif Court, Sholinghur, against the second sale done by the petitioner and his mother and the same is pending.

5.Heard the arguments advanced on either side and perused the materials available on record.



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6.Perusal of records reveal that the petitioner's father purchased the subject lands vide document no.618/1971 and the land is not assigned in favour of the petitioner's father as claimed by the petitioner and no document is produced before this Court to substantiate the petitioner's claim.

7.Perusal of records further reveal that the petitioner's father alienated the said land to one Muniyammal vide document no.1190/1973 and suppressing the same, the petitioner and his mother jointly sold the very same land to one Mani and Bheema Rao, as second sale. Hence, the legal heir of the said Muniyammal has filed suit in O.S.No.92 of 2010 on the file of the District Munsif Court, Sholinghur, against the second sale done by the petitioner and his mother and the same is pending. When the said suit is pending, the prayer sought for in this writ petition is not maintainable and hence, the same cannot be granted.

8.In view of the above, this writ petition is dismissed. However, liberty is granted to the petitioner to canvass all the points before the District Munsif Court, Sholinghur, where civil suit is



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pending. No costs.

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pri
Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

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