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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.9248 OF 2021

AND

W.M.P.NO.9799 OF 2021

Ayyavu

... Petitioner

.Vs.

1. The District Collector,
Erode District,
Erode.

2. The Revenue Divisional Officer,
Erode District,
Erode.

3. The Special Tahsildar,
Bhavani Taluk,
Erode District.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ, order or direction, more particularly a writ in the nature of a Writ of Mandamus directing the respondents herein to remove the fencing and handover the possession of property in Survey No.704/10, bearing Patta Number 120, measuring up to 000.55 hectares of land situated in Kavindapadi Village, Bhavani Taluk, Erode District, to the Petitioner and further direct the respondents to pay a sum of Rs.25,00,000/- for demolishing his house and also causing mental agony.

For Petitioner : Mr.G.Karthikeyan

For Respondents : Mr.V.Veluchamy
Additional Government Pleader



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O R D E R

The present petition has been filed seeking a direction to the respondents herein to handover the possession of the subject property to the petitioner along with certain reliefs.

2. The case of the petitioner is that though initially the patta was granted in favour of the petitioner in respect of the subject property, however, the same was cancelled, without issuing any notice to the petitioner and in gross violation of principle of natural justice, the petitioner's house was also demolished. Aggrieved by the same, the petitioner has come up with the present petition seeking the aforesaid relief.

3. Learned counsel for the petitioner submits that though the order canceling the patta which was granted in favour of the petitioner, has been passed, however, the said order was not challenged. Hence, this Court may permit the petitioner to make appropriate appeal before the competent Authority against the said order.

4. On the above contention, heard the learned Additional Government Pleader appearing for the respondents.

5. In view of the order which this Court proposes to pass, there is not requirement to order the impleading petition in W.M.P.No.11812 of 2021.

6. Though in the Writ Petition, a larger relief is claimed, however, at the time of arguments, learned counsel for the petitioner having argued, this Court without expressing any opinion on the merits of the case, directs the petitioner to file appropriate appeal/application before the Jurisdictional Revenue Authority within a period of two weeks from the date of receipt of a copy of this order. On such application being made, the Jurisdictional Revenue Authority is directed to consider the case of issuance of patta in favour of the petitioner as expeditiously as possible.

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



NHS

To

1. The District Collector,
Erode District,
Erode.
2. The Revenue Divisional Officer,
Erode District,
Erode.
3. The Special Tahsildar,
Bhavani Taluk,
Erode District.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.27442

W.P.NO.9248 OF 2021

SSD(CO)
PBS/01/06/2022