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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.9324 of 2022

P.Madhaiyan

... Petitioner

vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
3. The Tahsildar,
Dharmapuri Taluk Office,
Dharmapuri.
4. The Municipal Commissioner,
Municipality Office,
Dharmapuri.
5. The Assistant Surveyor,
Land and Survey Department,
Dharmapuri.

6. A.Vivekananda

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to issue patta in favour of the petitioner property in Door No.104-A in T.S.No.A7/85 situated at Vellai Goundampalayam, Pennagaram Main Road, Kumarasamy Pettai based on the petitioner's representation dated 18.12.2021.

For Petitioner : Mr.C.Umashankar

For Respondents : Mr.R.Vigneswaran
Government Advocate



ORDER

This writ petition has been filed seeking for a issuance of a writ of Mandamus to direct the 3rd respondent to issue patta in favour of the petitioner's property in Door No.104-A in T.S.No.A7/85 situated at Vellai Goundampalayam, Pennagaram Main Road, Kumarasamy Pettai based on the petitioner's representation dated 18.12.2021.

2. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that petitioner is the owner of the property in S.No.390/6 T.S.No.A7/85 admeasuring an extent of 280 sq. mt. situated at above said Village. Thereafter, the 6th respondent fraudulently got patta in his favour for the above said land. While so, the petitioner made complaint before the 3rd respondent and the 3rd respondent passed orders on 28.05.1993, pursuant to the same, the 4th respondent issued patta in favour of the petitioner. Thereafter, 6th respondent filed a suit in O.S.No.139/1994 dated 12.05.1994 to declare and handover possession to the 6th respondent and the same was dismissed. Since the patta and SLR copy for the disputed property discloses the name of the 6th respondent, the petitioner has made a representation dated 18.12.2021 to the 3rd respondent to issue patta in favour of the petitioner. Against the same the petitioner has filed the present Writ Petition seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 3rd respondent to consider the petitioner's representation dated 18.12.2021 and pass orders on merits within a particular time frame to be fixed by this Court.

5. The learned Additional Government Pleader for respondents has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 3rd respondent to consider the petitioner's representation dated 18.12.2021 and pass appropriate orders on merits and in accordance with law, after affording opportunity to the petitioner as well as the private respondent, within a period of



twelve weeks from the date of receipt of a copy of this order.

8. This writ petition is accordingly disposed of. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rap

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
3. The Tahsildar,
Dharmapuri Taluk Office,
Dharmapuri.
4. The Municipal Commissioner,
Municipality Office,
Dharmapuri.
5. The Assistant Surveyor,
Land and Survey Department,
Dharmapuri.

+1cc to Mr.C.Umashankar, Advocate, S.R.No.25661
+1cc to the Government Pleader, S.R.No.26348

W.P.No.9324 of 2022

AD(CO)
CT 26/04/2022