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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.11568 of 2021

C.Mani

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Vellore-9.
2. The District Revenue Officer,
Vellore District,
Vellore.
3. The Revenue Divisional Officer,
Vellore Division,
Vellore.
4. The Tahsildar,
Katpadi Taluk,
Vellore District.
5. The Head Quarters Deputy Tahsildar,
Katpadi Taluk,
Vellore District.
6. Mrs.Amalanirubha
7. Prema
8. Vijaya

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records in pursuant to the assignments granted to the respondents 6 to 8 vide D.K.No.01/1421 dated 04.05.2012 and the consequential patta No.442 issued in favour of the 6th respondent in respect of the lands comprised in Survey Nos.201/3 201/4A Vikramasi Village, Patta No.443 issued in



favour of the 7th respondent in respect of the lands comprised in Survey No.201/4B Vikramasi Village and Patta No.444 issued in favour of the 8th respondent in respect of the lands comprised in Survey No.201/4C Vikramasi Village and quash all of them.

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For Petitioner : Mr.T.P.Prabakaran

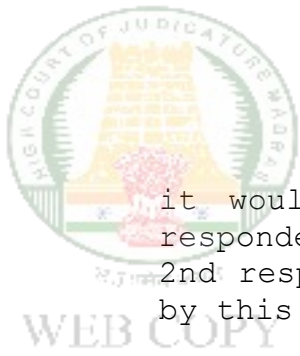
For R1 to R5 : Mr.R.Vigneswaran
Government Advocate

For R6 to R8 : M/S.M.Machavatharam

O R D E R

This Writ Petition has been filed seeking for the issuance of Writ of Certiorari to call for the entire records in pursuant to the assignments granted to the respondents 6 to 8, vide D.K.No.01/1421, dated 04.05.2012 and the consequential patta No.442 issued in favour of the 6th respondent in respect of the lands comprised in Survey Nos.201/3 and 201/4A Vikramasi Village, Patta No.443 issued in favour of the 7th respondent in respect of the lands comprised in Survey No.201/4B Vikramasi Village and Patta No.444 issued in favour of the 8th respondent in respect of the lands comprised in Survey No.201/4C Vikramasi Village and quash all of them.

2. The case of the petitioner is that he is the owner of the aforesaid properties. However, without the knowledge of the petitioner, the aforesaid lands were assigned to respondents 6 to 8 by 4th respondent/Tahsildar. Subsequent to the assignment of the land, Patta was also issued in favour of respondents 6 to 8. Therefore, the petitioner gave a complaint to the District Superintendent of Police, Vellore District, Vellore, stating that the private respondents/respondents 6 to 8 herein, have grabbed the petitioner's properties by creating a false and forgery documents, and the said complaint was forwarded to the 2nd respondent/District Revenue Officer. Based upon which, the 2nd respondent/ District Revenue Officer has issued a letter dated 05.04.2018 to the 3rd respondent/Revenue Divisional Officer, to conduct an enquiry in respect of the aforesaid properties Patta and also directed to send the action taken report as expeditiously as possible. However, the 3rd respondent has not complied with and implemented the order of the 2nd respondent/District Revenue Officer. Hence, the petitioner has filed the present Writ Petition.



3. The learned counsel for the petitioner submitted that it would suffice, if this Court issues direction to the 3rd respondent to implement the order dated 05.04.2018 passed by the 2nd respondent, within a reasonable time frame that may be fixed by this Court.

4. The learned counsel appearing for the private respondents submitted that the enquiry maybe conducted after providing an opportunity to the private respondents, before taking any steps.

5. The learned Government Advocate appearing for the respondents 1 to 5 submitted that, based on the letter forwarded by the 2nd respondent, the enquiry will be conducted after providing opportunity of hearing to the petitioner as well as the private respondents.

6. Heard the learned counsel for the petitioner, learned Government Advocate as well as the learned counsel for the private respondents and perused the materials available on record.

7. In view of the fair submission made by the learned counsels, this Court is inclined to issue direction to the 3rd respondent to conduct the enquiry in terms of letter dated 05.04.2018 forwarded by the 2nd respondent, after providing opportunity of hearing to the petitioner as well as the private respondents and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

jd/rap

To

1.The District Collector,
District Collector Office,
Vellore-9.



2. The District Revenue Officer,
Vellore District,
Vellore.

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3. The Revenue Divisional Officer,
Vellore Division,
Vellore.

4. The Tahsildar,
Katpadi Taluk,
Vellore District.

5. The Head Quarters Deputy Tahsildar,
Katpadi Taluk,
Vellore District.

+2cc to Mr.T.P.Prabakaran, Advocate SR.No.22158

+1cc to Mr.E.Kannadasan, Advocate SR.No.21512

+1cc to the Government Pleader, SR.No.22212

W.P. No.11568 of 2021

JPL(CO)
CB(21/04/2022)