



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9727 of 2022

V.Rajan

...Petitioner

Vs.

1. The District Collector,
O/o, Collectorate,
Udhagamandalam, Nilgiris District.
2. The Superintendent of Police,
Nilgiris District.
3. The Tahsildar,
Udhagamandalam,
Nilgiris District.
4. R.Sathappan

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to take a decision on merit and in accordance with law, as to the assignment patta issued in the name of the petitioner's father viz. Vaigundan son of Singiri, in respect of the house site, having an extent of 2 Cents comprised in Plot No.76 in Block No.V, in Survey No.453/4 in R.S.No.804 Part situated in Naduvattam Village, Udhagamandalam Taluk, based on the outcome of the enquiry to be conducted by the 2nd respondent as per the communication of the 1st respondent in O.Mu.U5.18905/2021 dated 01.11.2021, as a reply to the petitioner's representation dated 11.10.2021 within a reasonable period to be fixed by this Hon'ble Court.

For Petitioner : M/s.P.Kasthuri

For Respondents : Mr.P.Sathish, AGP, for R1 to R3.
: Mr.Naveenkumar Murthy, for R4



O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 3rd respondent to take a decision, as to the assignment patta issued in the name of the petitioner's father in respect of the house site, measuring an extent of 2 Cents comprised in Plot No.76 in Block No.V, in Survey No.453/4 in R.S.No.804 Part situated in Naduvattam Village, Udhagamandalam Taluk, based on the outcome of the enquiry to be conducted by the 2nd respondent as per the communication of the 1st respondent in O.Mu.U5.18905/2021 dated 01.11.2021 within a reasonable period to be fixed by this Court.

2. Learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal.

3. Since, no adverse order has been passed as against the private respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that, an assignment patta in respect of the house site, having an extent of 2 cents comprised in Plot No.76 in Block No.V, in Survey No.453/4 in R.S.No.804 Part situated at Naduvattam Village, Udhagamandalam Taluk was granted in favour of the petitioner's father viz.Vaigundan, by the 3rd respondent. Pursuant to said assignment, the petitioner's father constructed a house bearing Door No.25/12A and paid the taxes without any default. After the demise of the petitioner's father, the petitioner being the legal heir, became the absolute title holder of the said property and was in peaceful possession and enjoyment of the same. Whiles, the 4th respondent claims that patta in respect of the subject property has been issued in his favour by the 3rd respondent. Aggrieved by the same, the petitioner made a representation dated 11.10.2021 before the 1st respondent / District Collector and on receipt of the said representation, the 1st respondent, vide letter dated 01.11.2021 in O.Mu.U5.18905/2021 directed the 2nd respondent to conduct enquiry and communicate the report regarding the same to the petitioner as well as the 1st respondent. However, till date, the same was not complied with by the 2nd respondent. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice, if this Court issues direction to the 3rd respondent to take a decision, as to the assignment patta issued in favour of the petitioner's father based on the outcome of the enquiry to be



conducted by the 2nd respondent as per the communication of the 1st respondent in O.Mu.U5.18905/2021 dated 01.11.2021 in reply to the petitioner's representation dated 11.10.2021, as early as possible.

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6. Learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 has no serious objection for said order being passed and he fairly conceded that the petitioner's representation dated 11.10.2021 will be considered in the light of the communication of the 1st respondent dated 01.11.2021 in O.Mu.U5.18905/2021 and appropriate orders will be passed on the same as to the assignment patta issued in favour of the petitioner's father within the time frame that may be fixed by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the petitioner to submit a copy of the representation dated 11.10.2021 along with a copy of this order to the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the 2nd respondent shall consider the said representation in the light of the communication of the 1st respondent dated 01.11.2021 in O.Mu.U5.18905/2021, conduct enquiry and submit the report regarding the same to the 1st respondent with a copy to the 3rd respondent within a period of four weeks thereafter and the 3rd respondent, on receipt of a copy of the report, shall, after affording opportunity of hearing to the petitioner as well as the private respondent pass appropriate orders in accordance with law, as to the assignment patta issued in favour of the petitioner's father within a period of eight weeks, from the date of receipt of the report of the 2nd respondent.

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

Sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
O/o, Collectorate,
Udhagamandalam, Nilgiris District.



2. The Superintendent of Police,
Nilgiris District.

3. The Tahsildar,
Udhagamandalam,
Nilgiris District.

+1cc to Mr.P.Kasthuri, Advocate SR.No.32485

+1cc to Government Pleader SR.No.33686, 33059

W.P.No.9727 of 2022

RVS (CO)

GMV (30/06/2022)