

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.12834 of 2022

D. Anuradha

... Petitioner

Vs.

1. The Commissioner,
Corporation of Coimbatore,
62, Old Post Office Rd,
Near Railway Station,
Gopalapuram,
Coimbatore-641 018.
2. The Tahsildar,
Taluk Office-Coimbatore South,
Huzur Rd, Opp.Court,
Gopalapuram,
Coimbatore-641 018.
3. A.A.Mohamed Nassar,
4. A.A. Mohammed Iqbal,
5. A.A. Mohamed Anwar

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ or order in the nature of a writ directing the 2nd Respondents to consider and dispose of the representation dated 17.02.2022 by the petitioner.

For Petitioner	: M/s.Dr.S.S.Swaminathan
For Respondents	: Mr. G. Krishna Raja, Additional Government Pleader

ORDER

The present petition has been filed seeking a direction to the 2nd Respondent to consider and dispose of the representation dated 17.02.2022 made by the petitioner, within the time that may be stipulated by this Court.

2. Mr. G. Krishna Raja, Learned Additional Government Pleader takes notice for Respondents 1 & 2.

3. Since, no adverse order is being passed against the private respondents/ Respondents 3, 4 & 5, notice to private respondents is dispensed with.

4. It is the case of the petitioner that the subject property originally belonged to one C.K.Rajagopalan, however, the petitioner and said C.K.Rajagopalan entered into a sale agreement dated 18.06.1990 for a valid sale consideration. Though, sale consideration was received, however, the sale deed was not registered in favour of the petitioner. After the demise of said C.K.Rajagopalan, his legal heirs executed a power of attorney with respect to the subject property in favour of one S. Rajagopalan in turn the said property was sold to one Jayakrishnan by way of a sale deed, which prompted the petitioner to file a suit in O.S.No.1165/2012 on the file of the Principal Sub Judge, Coimbatore and the suit was decreed in favour of the petitioner and the sale deed was registered in petitioner's name and joint patta was also granted in favour of the petitioner and Jayakrishnan. It is the further case of the petitioner that the said Jayakrishnan by using force expelled the petitioner from the property and thereafter, the petitioner was shocked to know about that the suit in O.S.No.1576/2021 on the file of the II ASJ, Coimbatore filed by respondents 3 to 5 to whom Jayakrishnan had sold the property and the said respondents have trespassed into the property and therefore, the petitioner made a representation dated 17.02.2022 seeking cancellation of patta granted in favour of Jayakrishnan. However, till date, the same has not been considered. Hence, the present petition has been filed.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the 2nd Respondent to consider the representation dated 17.02.2022 made by the petitioner in the light of the decree passed by the trial court and dispose of the same on merits, within the time that may be stipulated by this Court.

6. On the above contention, heard the learned Government Advocate appearing for the respondent.

7. In view of the limited request made by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the 2nd Respondent/Tahsildar to consider the representation dated 17.02.2022 made by the petitioner and dispose of the same in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the respondents 3 to 5,

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

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

NHS

To

- 1.The Commissioner,
Corporation of Coimbatore,
62, Old Post Office Rd,
Near Railway Station,
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Coimbatore-641 018.
- 2.The Tahsildar,
Taluk Office-Coimbatore South,
Huzur Rd, Opp.Court,
Gopalapuram,
Coimbatore-641 018.

+1cc to M/s.S.S.Swaminathan, Advocate, S.R.No.32628

+1cc to the Government Pleader, S.R.No.33593

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SKM(CO)
CT/14/07/2022