



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2022

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.NO.11948 OF 2022

Aruna Murugesan

...Petitioner

Vs

1.The District Collector,
Salem District.

2.The Regional Divisional Office,
Aathur Vattam,
Salem District.

3.The Sub-Registrar Officer,
Thalaivasal,
Salem District.

4.Angaayi

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent proceedings O.M.24858/2021/K5 dated 20/10/2021 within a stipulated period of time to conduct an enquiry by giving opportunity to the petitioner.

For Petitioner : Mr.C.Kanagaraj

For Respondents : Mr.V.Manoharan,
Additional Government Pleader
R1 to R3

ORDER

According to the petitioner, in the year 1954, his father M.Arunasalam, was granted adi dravidar conditional allotment land to an extent of 4 acres 56 cents in S.No.80/2, Siruvachur Post, Thalaivasal Taluk, Salem District and he was in possession and enjoyment of the same, till 1974. While so, he had mortgaged the said land with the Siruvachur Co-operative Society (No.S.1345) by two mortgage deeds dated 12.07.1962 and 26.11.1962 and obtained agricultural loan, but he did not repay the same. Subsequently, without following due process of law,



the said Society fraudulently brought the said land for auction and sold it to a third party / fourth respondent for valuable sale consideration. Upon coming to know about the same, the petitioner made representation dated 26.05.2020 to the second respondent as well as the Chief Minister Grievance Cell seeking for retrieval of his father's land. Thereafter, the first respondent by communication bearing No.O.Mu.24858/2021/K5 dated 20.10.2021, directed the second respondent, to conduct enquiry and submit a report for taking further action. However, nothing moved on the side of the second respondent, which compelled the petitioner to file this writ petition seeking a mandamus to the first respondent to conduct enquiry with regard to his claim and pass orders, after providing an opportunity of hearing to him, within a time frame to be stipulated by this court.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader taking notice for the respondents 1 to 3 and also perused the documents enclosed in the typed set of papers.

3.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without going into the merits of the case, directs the second respondent to conduct enquiry and submit a report, with regard to the claim of the petitioner, based on the communication of the first respondent dated 20.10.2021. Thereafter, the first respondent shall consider the same and pass appropriate orders. Both the respondents shall complete the entire exercise, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, fourth respondent as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Vacation Officer

// True Copy //

Sub Assistant Registrar

hvk/mrm

To

1.The District Collector,
Salem District.



2.The Regional Divisional Office,
Aathur Vattam,
Salem District.

3.The Sub-Registrar Officer,
Thalaivasal,
Salem District.

+1cc to Mr.C.Kanagaraj, Advocate Sr.No.31093

+1cc to the Government Pleader Sr.No.31247

W.P.No.11948 of 2022

JPL(CO)
RVM(19/05/2022)