



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.16360 of 2021 and
WMP.No.17337 of 2021

V.Arumugam

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Petitioner

Vs

1.The District Collector,
Salem District,
Salem

2.The Tahsildhar,
Omalur Taluk,
Salem District

3.The Revenue Inspector,
Karuppur Firka,
Karuppur,
Omalur Taluk,
Salem District

4.The Village Administrative Officer,
Chellapillaikuttai Village,
Omalur Taluk,
Salem District

5.Thangaraj

...

Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent in Na.Ka.3148/2019/B1 dated 09.01.2020 and quash the same and consequently, directing the second respondent to issue patta to the petitioner for his land measuring 654 sq.ft. in S.No.289/4 of Chellapillakuttai Village, Omalur Taluk, Salem District.



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For Petitioner : Mr.A.Ilayaperumal

For Respondents

For R1 to 4 : Mr.V.Jeevagiridharan,
Additional Government Pleader

For R5 : No appearance

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent in Na.Ka.3148/2019/B1 dated 09.01.2020 and quash the same and consequently direct the second respondent to issue patta to the petitioner for his land measuring 654 sq.ft. in S.No.289/4 of Chellapillakuttai Village, Omalur Taluk, Salem District.

2. Heard, Mr.A.Ilayaperumal, the learned counsel for the petitioner and Mr.V.Jeevagiridharan, Additional Government Pleader appearing for respondents 1 to 4.

3. The petitioner purchased the property comprised in survey No.289/4 to an extent of 654 sq.ft. situated at Chellapillakuttai Village, Omalur Taluk, Salem District by the sale deed dated 11.11.2010 registered vide document No.9712 of 2010. He also filed suit in OS.No.54 of 2011 on the file of the District Munsif Court, Omalur as against five private persons for permanent injunction. The said suit was decreed in favour of the petitioner by the judgment and decree dated 06.10.2018. The petitioner approached the second respondent for issuance of patta for the subject property. However, it was rejected on the ground that the counter party i.e. the fifth respondent herein filed suit for declaration in OS.No.182 of 2019 for the very same subject property on the file of the District Munsif Court, Omalur and it is pending.

4. On perusal of the impugned order, revealed that on receipt of the application from the petitioner, the second respondent did not conduct any enquiry and without giving opportunity of hearing to the petitioner passed the order. Admittedly, the fifth respondent also filed suit in OS.No.182 of 2019 for declaration for the very same property and it is pending on the file of the District Munsif Court, Omalur.

5. Considering the above, this writ petition is allowed and the impugned order dated 09.01.2020 passed by the second respondent is set aside. The request made by the petitioner is remanded back to the second respondent for fresh consideration. It is made clear that the second respondent is directed to pass



orders after giving opportunity of hearing to the petitioner and the fifth respondent subject to the result of the suit filed by the fifth respondent in OS.No.182 of 2019 on the file of the District Munsif Court, Omalur. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Salem District,
Salem

2.The Tahsildhar,
Omalur Taluk,
Salem District

3.The Revenue Inspector,
Karuppur Firka,
Karuppur,
Omalur Taluk,
Salem District

4.The Village Administrative Officer,
Chellapillaikuttai Village,
Omalur Taluk,
Salem District.

+1cc to Mr.A.Ilayaperumal, Advocate, S.R.No.3232
+1cc to the Government Pleader, S.R.No.3399

WP.No.16360 of 2021

PL(CO)
CB(04/02/2022)