

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.10609 of 2014

Rajamanikkam

..Petitioner

Versus

1. The District Collector,
Collectorate, Salem.

2. The Deputy Collector,
Mettur, Salem district.

3. The Tahsildar,
Revenue Department,
Mettur Dam.

4. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Mettur Dam.

5. The Deputy Tahsildar,
Mettur, Salem District.

6. Muthu

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent pertaining to the impugned order in Na.Ka.No.1162/2012/Aa dated 26.07.2013 and quash the same and direct the 3rd respondent to conduct fresh enquiry by giving opportunity to the petitioner.

For Petitioner	:	Mr.P.Tamilavel
For Respondents	:	Mr.G.Nanmaran
		Spl. GP. RR1 to 5
		Mr.D.Shivakumaran for R6

O R D E R

The petitioner has filed this writ petition seeking to quash the order in Na.Ka.No.1162/2012/Aa dated 26.07.2013 by the 3rd respondent and direct the 3rd respondent to conduct fresh enquiry by giving opportunity to the petitioner.

2. The facts of the case are as follows:

The petitioner's grandfather Chinnakuppamuthu is the owner of the property in 685/2B, 685/26, 685/2M, 686/2G, 686/3F, 685/2C and 685/3F situated at Gonoor Village (West) Mettur Taluk and he died on 02.11.2006 leaving behind the legal heirs viz., his wife, daughters and sons respectively. However, the 4th respondent have issued UDR patta on 25.01.1985 in favour of the petitioner's grandfather in which the above said survey numbers mentioned correctly. On 19.11.2003, the third respondent has issued computer patta and at that time of issuing patta, the survey No.685/3F in Sl.No.7 in the UDR patta has been wrongly mentioned as 685/3E instead of 685/3F.. As the said error committed by the 3rd respondent, the 5th respondent and his agents have encroached and interfered with the aforesaid property, for which, the petitioner made a representation to the respondents to correct the survey No.685/3F instead of 685/3E. On 26.07.2013, the 6th respondent passed the impugned proceedings dated 26.07.2013 wherein it is stated that the above said survey number has been allotted to the 6th respondent. Without having any other alternative remedy, the present writ petition has been filed before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that for the very same property dispute, the 5th respondent has filed a suit in O.S.No.120/2015 before the District Munsif court, Mettur and the same is pending. Therefore, this Court may issue a direction to the aforesaid Court to pass orders without influencing the impugned order passed by the 3rd respondent dated 26.07.2013. The learned counsel seeks liberty that after disposal of the suit, the respective succeeding parties to file appropriate application for issuance of fresh patta within the stipulated time as fixed by this Court.

4. The learned counsel for the 5th respondent have no serious objection for the contention raised by the learned counsel for the petitioner.

5. Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the

Government and the learned counsel for the 5th respondent and perused the materials available on record.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court directs the learned District Munsif Judge, Mettur to decide the suit on merits and in accordance with law as expeditiously as possible. After disposal of the suit, the succeeding party shall make a fresh application/petition to the concerned respondents along with the decree passed by the trial Court. After receipt of such application, the respondents shall consider the same and pass appropriate order, after affording opportunity to the necessary parties, on merits and in accordance with law.

7. With the above directions, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The District Munsif,
Mettur

2. The District Collector,
Collectorate, Salem.

3. The Deputy Collector,
Mettur, Salem district.

4. The Tahsildar,
Revenue Department,
Mettur Dam.

5. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Mettur Dam.

6. The Deputy Tahsildar,
Mettur, Salem District

+1 CC to Mr.D.Tamilavel, Advocate sr 15375
+1 CC to Mr.V. Sekar, Advocate sr 15389
+1 CC to The Government Pleader sr 15912.

W.P. No.10609 of 2014

AJS(CO)
SP(24/03/2022)