



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.22293 OF 2014

1.Ponnusamy

2.Gurusamy

...Petitioners

Versus

1.The District Collector
Coimbatore.

2.The Revenue Divisional Officer
Coimbatore.

3.The Tahsildar
Coimbatore North Taluk
Coimbatore.

4.R.Velliangiri

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to consider the representation of the petitioners dated 07.07.2014.

For Petitioners : Mr.Saravana Sowmiyan

For Respondents : Mr.A.Anandan for R1 to R3
Government Advocate
Mr.K.Myilsamy for R4

ORDER

This writ petition is filed seeking direction to the second respondent to consider the representation of the petitioners dated 07.07.2014.

2. The case of the petitioners is that the petitioners along with the fourth respondent's grandmother was allotted the properties to an extent of 3.11 acres. While being so, the fourth respondent constructed a building in the said property



and claimed ownership. Hence, a suit was filed in O.S. No. 163 of 2012 and further while pending of the suit, the fourth respondent had transferred the patta in his favour with connivance of the third respondent. Hence, the petitioners sent a representation on 07.07.2014 to the respondents 2 and 3 requesting to delete the name of the 4th respondent in the patta and the same is pending without consideration till date. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that during pendency of this petition, the petitioner has filed a suit in O.S.No.1408 of 2014 on the file of the learned I Additional District Munsif, Coimbatore for partition against the 4th respondent and the same was decreed on 03.08.2017. The learned counsel pray that this court may permit the petitioner to file fresh representation based on the decree passed by the civil court.

4. The learned counsel for the 4th respondent submitted that the decree passed by the Civil court is an ex-parte order.

5. Heard, the learned counsel for the petitioner as well as the learned counsel appearing for the Government and the 4th respondent and perused the materials available on record.

6. Considering the facts and circumstances of the case and considering the limited relief sought for by the petitioner, this Court, directs the petitioner to file fresh representation to the 3rd respondent along with the decree and also a copy of this order. Upon receipt of such representation, the 3rd respondent is directed to consider the petitioner's representation and pass appropriate orders on merits and in accordance with law, after affording opportunity to the petitioner as well as the 4th respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

rli

To

1.The District Collector
Coimbatore.



2.The Revenue Divisional Officer
Coimbatore.

3.The Tahsildar
Coimbatore North Taluk
Coimbatore.

+1cc to Mr.K.Myilsamy, Advocate Sr.No.37785

+1cc to the Government Pleader Sr.No.37677

W.P.No.22293 of 2014

KV(CO)
RVM(07/07/2022)