



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.12682 of 2014

H.Gopinathan

...Petitioner

-Vs-

1. The District Collector,
Vellore District.

2. The District Revenue Officer,
Vellore, Vellore District.

3. The Deputy Superintendent of Police,
Vaniyambadi Taluk, Vellore District.

4. The Inspector of Police,
Natrampalli Police Station,
Natrampalli Taluk, Vellore District.

5. Kamala

...Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the second respondent to investigate the matter in accordance with law against the 5th respondent and her associates as per the District Collector's order (1st respondent) dated 22.07.2013.

For petitioner : Mr. K.Thiruvalluvan

For Respondents: Mr. T.Chezhian RR1 to R4

Addl. Government Pleader

Mr.Vasudevan R5

O R D E R

The writ petition has been filed seeking a direction to the second respondent to investigate the matter in accordance with law against the 5th respondent and her associates as per the District Collector's order (1st respondent) dated 22.07.2013.



2. The case of the petitioner is that he is doing agriculture business and he belongs to Adi-Dravida community. The petitioner has occupied the land in S.No.629/2 situated at Agraham Village, Tiruppathur Taluk to an extent of 1.13.5 hectare and doing agriculture in the said land in the year 1986. After enquiry, the VAO has recommended to the District Collector to issue patta in favour of the petitioner. In the meanwhile, the 5th respondent and her son created a forged document with regard to the subject property forced the petitioner to vacate the aforesaid land, for which, the petitioner lodged a complaint before the 4th respondent. The 4th respondent respondent has not taken any action against the 5th respondent. Hence, the petitioner made a representation to the first respondent and the same was forwarded to the 4th respondent dated 22.07.2013. However, till date, no action is taken. Hence, the present petition has been filed before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider the representation dated 14.02.2013 of the petitioner and take appropriate steps within the reasonable time as fixed by this Court.

4. The learned Additional Government Pleader submitted that he denied the allegation in the affidavit. The entire dispute is civil in nature. With regard to the dispute, the 5th respondent has filed a suit in O.S.No.81 of 2011 on the file of the District Munsif, Tirupathur and the same is pending. Hence, the writ petition is liable to be dismissed.

5. Heard, the learned counsel for the petitioner, the learned Additional Government Pleader appearing on behalf of the Government and the learned counsel for the 5th respondent and perused the materials available on record.

6. The facts of the case are not in dispute. There is a dispute with regard to the property in S.No.No.629/2 situated at Agraharam Village between the petitioner and the 5th respondent. The 5th respondent has filed a suit in O.S.No.81 of 2011 on the file of the District Munsif, Tirupathur and the same is pending for the very same dispute. When the suit is pending with regard to the disputed land, the revenue officials have no power to grant patta in favour of any person. 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, Thiruppathur 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, based on the decree of the trial Court, 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, Tirupathur
2. The District Collector,
Vellore District.
3. The District Revenue Officer,
Vellore, Vellore District.
4. The Deputy Superintendent of Police,
Vaniyambadi Taluk, Vellore District.
5. The Inspector of Police,
Natrampalli Police Station,
Natrampalli Taluk, Vellore District.

+1 CC to Mr.K.Thiruvalluvan, Advocate sr 7087
+1 CC to Mr.E. Kannadasan, Advocate sr 16827
+1 CC to The Government Pleader sr 17057.

W.P.No.12682 of 2014

NMI (CO)
SP(31/03/2022)