



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28215 of 2021

S. Vennila

...Petitioner

Vs

1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Revenue Divisional Officer,
Coimbatore South,
Opposite to Coimbatore Commissioner Office,
Coimbatore.
3. The Tahsildar,
Perur,
Coimbatore District.

4. M.Chitra

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to conduct an enquiry as per direction issued by the second respondent vide proceedings in O.Mu.No.236/2021/Aa2 dated 05.02.2021 for cancellation of patta bearing No.1374 stands in the name of fourth respondent.

For Petitioner : Mr.K.Myilsamy

For R1 to R3 : Mr.P.Baladhandayutham
Special Government Pleader.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the third respondent to conduct an enquiry as per direction issued by the second respondent vide proceedings in O.Mu.No.236/2021/Aa2 dated 05.02.2021 for



cancellation of patta bearing No.1374 stands in the name of fourth respondent.

2.Heard, Mr.K.Myilsamy, learned counsel appearing for the petitioner and Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the respondents 1 to 3.

3.The case of the petitioner is that the petitioner's father was allotted the property comprised in survey No.131/2 to an extent of 2.50 acres by way of a partition deed dated 2200 of 1992. Similarly, the petitioner's father's brother viz., Gopalsamy was allotted the share of 2.50 acres in the same survey number. The petitioner's father's share was located on the western side and his brother's share was located on the eastern side.

4.While being so, for formation of Pond, the Government had acquired a portion of the land i.e., 38 cents belonged to the said Gopalsamy and he received compensation for the acquired portion of the land. However, the third respondent, without even issuing any notice, without verifying the revenue records and without even conducting an enquiry, made sub-division in respect of the property comprised in survey No.131/2 into two portions. In survey No.131/2B2 to an extent of 2.50 acres was mutated in the name of petitioner's father's brother viz., Gopalsamy. The land comprised in survey No.131/2B1B to an extent of 2.12 acres was mutated in the name of petitioner's father. After demise of the petitioner's father's brother, his legal heirs sold out the entire extent of 2.50 acres in favour of the fourth respondent by a registered sale deed dated 05.09.2007 vide document No.5055 of 2007.

5.Therefore, the petitioner made an application before the third respondent for cancellation of patta bearing No.1374 standing in the name of the fourth respondent. On receipt of the same, the third respondent rejected the application even without conducting any enquiry. Therefore, the petitioner filed an appeal before the second respondent. After hearing the appeal, the second respondent, by a communication dated 05.02.2021, directed the third respondent to conduct proper enquiry with the concerned parties and pass orders. However, even today, the third respondent did not conduct any enquiry and has kept the matter as pending. Hence this writ petition.

6.Considering the above, the third respondent is directed to conduct enquiry as per the direction issued by the second respondent, after issuance of notice to the petitioner and the counter parties, if any, by giving an opportunity of hearing to the parties concerned and pass orders on merits and in accordance with law within a period of two weeks from the date



of receipt of a copy of this order.

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

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The District Collector,
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Coimbatore.
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+1cc to the Government Pleader, S.R.No.1102

W.P.No.28215 of 2021

PCH(CO)
RGA(08/02/2022)