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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22443 of 2022

Rajkumar, S/o.Vellaichamy .. Petitioner

Versus

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai District.

3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

4.Kottaichamy .. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 10.04.2021, within a time frame that may be stipulated by this Court and direct the respondents 2 and 3 to grant Patta in favour of the petitioner's mother namely, Ranjitham, regarding the Village Natham Survey No.489/12 at Pacherry Village, Vembathoor Group, Sivagangai Taluk, Sivagangai District, on the basis of the proceedings in O.Mu.A3/2626/2021, on the file of the third respondent.

For Petitioner : Mr.R.Udhayakumar

For Respondents 1 to 3 : Mr.N.Ramesh Arumugam
Government Advocate

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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 10.04.2021, within a time frame that may be stipulated by this Court and direct the respondents 2 and 3 to grant Patta in favour of the petitioner's mother namely, Ranjitham, regarding the Village Natham Survey No.489/12 at Pacherry Village, Vembathoor Group, Sivagangai Taluk, Sivagangai District, on the basis of the proceedings in O.Mu.A3/2626/2021, on the file of the third respondent.

2.Heard Mr.R.Udhayakumar, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate, who takes notice for the respondents 1 to 3. By consent of learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, the property in Village Natham Survey No.489/12, measuring an extent of 290 sq.mt., situated at Pacherry Village, Vembathoor Group, Sivagangai Taluk, Sivagangai District, is his ancestral property. For the past of 50 years, the petitioner's predecessors and his family members were peacefully enjoying the said property. While so, the fourth respondent and his family members are attempting to trespass into the

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property. The fourth respondent's son-in-law is working as Surveyor at Sivagangai and the fourth respondent's brother-in-law is working in the Police Department at Sivagangai District and therefore, the fourth respondent with the help of Surveyor and Police, attempted to fence the petitioner's property. Therefore, on 21.12.2020 the petitioner's mother sent a representation to the respondents 2 and 3 seeking to conduct enquiry and to issue Patta. Again, on 19.02.2021 and 10.04.2021, the petitioner sent representations to the second respondent. But, no action has been taken so far. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Government Advocate appearing for the respondents 1 to 3 submits that already the fourth respondent filed a Writ Petition in W.P.(MD)No.18772 of 2022, wherein a direction was issued by this Court to consider his representation, dated 23.05.2022, pursuant to which, the Village Administrative Officer conducted an enquiry and based on the report submitted by him, they are going to pass appropriate orders.

5.The learned counsel appearing for the petitioner submits that the fourth respondent's son-in-law is working as Surveyor in the same Village, he may influence the first respondent to pass orders in favour of the fourth respondent.

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6.Considering the above said submissions, this Court, without going into the merits of the case, directs the respondents 1 and 2 to pass appropriate orders, based on the report of the Village Administrative Officer, on merits and in accordance with law after considering all other aspects and giving an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of with the above direction. No costs.

Index : Yes/No 23.09.2022

To

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai District.

3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.22443 of 2022

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