



W.P.(MD)No.23343 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23343 of 2022

P.Thirupathi

.. Petitioner

Versus

1.The District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti, Thoothukudi District.

3.The Tahsildar,
Natham Taluk,
Dindigul District.

4.C.Balu

5.C.Ganapathi

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to take the petitioner's complaint dated 01.09.2022 on file and to complete the enquiry proceedings.

For Petitioner	:	Mr.Aayiram K.Selvakumar
For Respondents	:	Mr.D.Gandhiraj (for R1 to R3) Special Government Pleader



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ORDER

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2.By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself. Since no adverse order is going to be passed against the respondents 4 and 5, notice to them is dispensed with.

3.The case of the petitioner is that the lands in Survey No.101/2A measuring to an extent of 39 cents and Survey No.104/1 measuring to an extent of 1 acre and 58 cents, situated at Koththali Village, Kayatharu Taluk, were in possession and enjoyment of the petitioner. The said lands were originally belonged to his father, namely, Peththa Nadar. The petitioner was doing agricultural work in the said lands, for which, he was using cart track. In fact, the said cart track was used by the entire villagers. In the meanwhile, the respondents 4 and 5 approached the petitioner and adjacent land owners for the purpose of purchasing their lands for windmill company. When the same was refused by them, the respondents 4 and 5 entered into their lands and interrupted the agricultural activities and threatened them. They were also prevented to use the said cart track. Moreover, the respondents 4 and 5



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claimed ownership of the petitioner's land. The petitioner immediately verified with the revenue records, wherein the patta in respect of the land in Survey No.104/1 stood in the name of the respondents 4 and 5 in patta No.984. Hence, the petitioner has sent a representation on 01.09.2022 to the respondents 1 to 3 to cancel the said patta standing in the name of the respondents 4 and 5. But, no steps have been taken. The respondents 4 and 5 are now attempting to sell the land to the wind mill company. Hence, the petitioner is constrained to file this petition with the aforesaid prayer.

4.The learned counsel appearing for the petitioner submitted that the respondents 4 and 5 have no right to sell the land. They created forged document as if they purchased the said land from the petitioner's father with the help and connivance of the third respondent. The petitioner's father had never sold the property to anyone. Hence, he prays this Court that a direction may be given to the respondents 1 to 3 to take the petitioner's complaint on file and conduct enquiry in this regard.

5.The learned Special Government Pleader submitted that there is a cart track in Survey Nos.101/3A, 3B, 3C having width of 3.4 meters, which is running through Survey Nos.104/1, 104/2 and 104/3 and patta was issued in respect of that land to various persons. He also submitted that the respondents would consider everything and pass order within a time frame.



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6.Considering the facts and circumstances of the case, this Court directs the second respondent to conduct an enquiry on the complaint given by the petitioner dated 01.09.2022 and pass appropriate order within a period of sixteen(16) weeks from the date of receipt of a copy of this order, after affording opportunity to the petitioner, respondents 4 and 5 and any other interested parties, if any.

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

11.10.2022

Index : Yes/No
Rmk

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V.BHAVANI SUBBAROYAN, J.,

Rmk

Order made in
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