



WEB COPY



W.P.No.1999 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM:

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.1999 of 2020

K.Settu

Vs

...Petitioner

1. District Revenue Officers,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
Tiruporur Revenue Division,
Tirupovalur Villupuram District.
3. The Tahsildar,
Ulundoorpettai Taluk,
Villupuram District.
4. K. Varatharajakonar
5. K. Samikannu
6. T. Jothi
7. R. Anbalagan
8. R. Ravikumar



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9. R. Selambarasan

10. M. Ramachandran

11. R. Selvaraj

12. S. Thiyagarajan

13. Selvaraj

(R13 is impleaded as per order
dated 07.06.2024 in W.M.P.No.16126 of 2020
in W.P.No. 1999 of 2020)

...Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 26.06.2019 based on the circular dated 18.07.2019 sent by the first respondent and to pass order on merit within a time frame as may be fixed by this Court for cancellation of patta and reassign the patta to the petitioner name.

For Petitioner : Mr. S. Arokia Mani Raj

For R1 to R3 : Mr.R.L.Karthika
Government Advocate

For R4 : Deceased

For R5, R7 to R12 : No appearance



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For R8 : No such person

For R13 : Mr.S.Ramajayam

ORDER

This writ petition is filed seeking for issuance of Mandamus to direct the second respondent to consider the petitioner's representation dated 26.06.2019 based on the circular dated 18.07.2019 sent by the first respondent and to pass order on merit within a time frame as may be fixed by this Court for cancellation of patta and reassign the patta to the name of the petitioner.

2. The case of the petitioner is as follows:-

The lands in survey No.534/1A, 534/1B, 534/1C to an extent of 3.62 acres and 534/2 to an extent of 3.78 acres situated in Koovagam Village, Ulundoorpettai Taluk, Villupuram District was conditionally assigned in favour of the father of the petitioner Mr.A.Kuppamuthu and his brother A.Ayyamuthu. On 01.11.1980, the Tahsildar, Ulundoorpettai assigned the said land to the petitioner's father and his brother was a conditional land classified as D.C.Land and granted under the D.Form patta. On 25.09.1980, the Revenue Divisional



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Officer Villupuram issued T.K.P. Patta No. 1432/75 and 1433/75 dated

15.03.1960. Due to illiteracy, ignorance and indigent conditions, certain persons belong to the upper caste Hindus practiced fraud upon the father of the petitioner and his brother and stealthily transferred those lands in favour of them. On 26.06.2019 the petitioner's send a representation to authorities. On 18.07.2019, the first respondent sent a circular to the second respondent to conduct enquiry. Till date the petitioner's representation and the circular sent by the first respondent are not considered by the second respondent and there was no response by the second respondent. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the second respondent to consider the petitioner's representation dated 26.06.2019 based on the circular dated 18.07.2019 sent by the first respondent and pass appropriate orders on merits within a particular time frame to be fixed by this Court.



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4. The learned Additional Government Pleader appearing for the first to third respondent has no objection for the said order being passed by this Court.

5. Heard both sides and perused the materials available on record.

6. On perusal of the records, it is found that it is not a circular sent by the first respondent, it is a communication sent by the first respondent to the second respondent directing the second respondent to take action in regard to the encroachment made by some persons in S.No. 534/2 and retrieve the land from the encroacher by conducting the detailed enquiry.

7. In view of the above, the second respondent is directed to consider the representation of the petitioner dated 26.06.2019 by giving notice to both the parties, opportunity of personal hearing and to receive the documents produced by the parties and to consider the same and pass orders on merits, in accordance with law within a period of six weeks from the date of receipt of



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copy of this order. The newly impleaded 13th respondent is also directed to submit the documents to the second respondent at the time of the enquiry.

8. With above said observations and directions, this writ petition is disposed of. No costs.

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ns1
Index:Yes/No
Speaking Order : Yes/No
Neutral case citation: Yes/No

To

1. District Revenue Officers,
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2. The Revenue Divisional Officer,
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Tirupovalur Villupuram District.
3. The Tahsildar,
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J.SATHYA NARAYANA PRASAD, J.

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