



W.P.No.8047 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.8047 of 2024

G.Thukkaiyan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Attur Division,
Attur Taluk,
Salem District.
2. The Tahsildar,
Thalaivasal Taluk,
Salem District.
3. The Revenue Inspector,
Thalaivasal Taluk,
Salem District.
4. The Village Administrative Officer,
Siruvachur South Village,
Thalaivasal Taluk,
Salem District.
5. Athimoolam

... Respondents



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PRAYER:

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Revenue Divisional Officer, Attur Division, Attur Taluk, Salem District, the first respondent herein to consider the representation dated 18.12.2021 and subsequent reminders dated 21.02.2023 and 20.03.2023 and the appeal dated 10.10.2022 and to dispose the same.

For Petitioner : Mr.P.Raja

For R1 to R4 : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed to issue Writ of Mandamus, to direct the first respondent to consider the representation, dated 18.12.2021 and subsequent reminders, dated 21.02.2023 and 20.03.2023 and also the appeal dated 10.10.2022 and to dispose of the same.



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2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and perused the materials available on record.

3. Since no adverse order is passed as against the private respondent/R5, notice to the private respondent is dispensed with.

4. Learned counsel for the petitioner submitted that the petitioner's father owned the property in S.No.302/10, in Siruvachur South Village. He come to know that the said land was allotted to one Arumugam, son of Srinivasa Gounder without valid reason and the land was given to said Arumugam as “D” Form Patta by proceedings dated 15.05.1992 made in TK/AM/348/1401. Hence, the petitioner made a representation to cancel the patta issued in favour of the said Arumugam. Meanwhile, the said Arumugam sold the said land to his wife Malar @ Malarvizhi by a registered sale deed dated 23.07.2014. Again the said Malar @ Malarvizhi in turn sold the said land to the fifth respondent herein, pending proceedings before the first respondent. The first respondent



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directed the respondents 2 to 4 to enquire into the petitioner's complaint and to report the same. Accordingly, the third and fourth respondents conducted a field enquiry and submitted a report before the second respondent. Despite the same the first respondent has not passed any orders. Hence, the petitioner made another representation dated 21.02.2017 before the first respondent. While so, fifth respondent gave his representation to transfer patta in his name and also filed a Writ Petition in W.P.No.32600 of 2018 before this Court without impleading the petitioner and obtained order on 10.12.2018 in the said writ petition. Based on the same, the second respondent transferred the Patta in favour of the fifth respondent. Challenging the same, the petitioner had preferred an appeal dated 10.10.2022 before the first respondent and the same is still pending.

5. The petitioner himself admitted that the patta has been issued to the third party and the third party in turn sold the property in question to the fifth respondent. Instead of challenging the same, the



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petitioner has made representation before the second respondent. The petitioner managed with the respondents 2 to 4 and obtained the order in his favour. Thereafter, the second respondent rejected the said representation of the petitioner and passed the order. Challenging the same, the petitioner has filed an appeal before the first respondent. Since there is no response from the first respondent, the petitioner has filed the present writ petition for the relief stated supra.

6. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the first respondent/RDO to consider the petitioner's representation dated 18.12.2021 and subsequent reminders dated 21.02.2023 and 20.03.2023 and the appeal dated 10.10.2022 and issue notice to the petitioner, fifth respondent and rival claimants/interested parties/aggrieved parties/objectors/adjacent land owners of the four boundaries of the subject property and conduct enquiry in the manner known to law and pass orders on merits and in



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accordance with law.

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7. In case, the first respondent finds that the petitioner encroached the Government land without any authority/assignment/patta/permission etc., the first respondent is directed to take action against the petitioner and evict him from the land in question in the manner known to law, after giving notice to the concerned parties.

8. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs.

27.03.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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