



W.P.No.20215 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.20215 of 2024

P.Sadhasivam

.. Petitioner

VS

1.The District Collector,
Dharmapuri District.

2.The Revenue Divisional Officer,
Harur, Dharmapuri District.

3.The Tahsildhar,
Harur Taluk,
Dharmapuri District.

4.T.Chinnammal

5.T.Manickam

6.T.Gunasekaran

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 3 to cancel the patta issued to the respondents 4 to 6 in respect of the government land situated at Thanippadi Village, Harur Taluk, Dharmapuri District covered under Patta Nos.129, Survey Nos.41/1 measuring 0.53.00 Hectares and also remove the encroachment made therein by respondents 4 to 6.



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For the Petitioner : Ms.R.Saritha

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for respondents 1 to 3

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner for issuance of a writ of mandamus directing respondents 1 to 3 to cancel the patta issued in favour of respondents 4 to 6 in respect the government land covered under Patta No.129, Survey No.41/1 measuring an extent of 0.53.00 hectares situated at Thanippadi Village, Harur Taluk, Dharmapuri District.

2. The case of the petitioner is that respondents 4 to 6 have fraudulently obtained patta for the government poramboke land measuring 0.53.00 hectares in Survey No.41/1 vide Patta No.129 by suppressing the factum of owning patta lands in their name. There has been a road on the said government land in Survey No.41/1 from



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time immemorial. Taking advantage of the patta obtained in their name, respondents 4 to 6 have blocked the said road and due to the block created by respondents 4 to 6, the petitioner and other villagers are not in a position to reach their lands. In this regard, the petitioner has submitted a representation to the respondent authorities and based on the said representation, a field survey was conducted by the authorities. On 26.10.2022, the third respondent sent a report to the second respondent recommending cancellation of patta issued in favour of respondents 4 to 6. Almost two years have elapsed and nothing has progressed. Hence, the petitioner has filed present writ petition.

3. Mr.A.Edwin Prabakar, learned State Government Pleader, who accepts notice on behalf of respondents 1 to 3, on written instructions received from the Revenue Divisional Officer, Harur, submitted that the Revenue Divisional Officer has sent notices to the petitioner and respondents 4 to 6 to appear for an enquiry on 19.10.2023. On the said date, the sixth respondent appeared and his statement was recorded. Since the fifth respondent failed to appear, on 30.1.2024, notice was sent to the fifth respondent to appear for an



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enquiry. Despite service of notices, the fifth respondent has not appeared before the Revenue Divisional Officer. Now, the Revenue Divisional Officer has sent notice to the fifth respondent calling upon him to appear on 6.8.2024 for final enquiry. Learned State Government Pleader would submit that depending upon the result of the enquiry, further action would be taken. The said contention of learned State Government Pleader is not disputed by learned counsel for the petitioner.

4. In view of the aforesaid submissions made by learned State Government Pleader, the writ petition is disposed of with a direction to the second respondent to conclude the enquiry and take further action in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(D.K.K., ACJ.) (K.B., J.)
24.07.2024

Index : No
NC : No
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