



W.P.No.22379 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.22379 of 2019

N.Nandagopal

... Petitioner

Vs.

- 1.The Collector,
Salem District,
New District Collector Office,
Salem – 636 001.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Salem.
- 3.The Revenue Divisional Officer,
New District Collector Office,
Salem Town, Salem – 636 001.
- 4.K.Thandavan

5.T.Vairam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 20.06.2019 and to take necessary action in accordance with law.



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For Petitioner : Mr.R.Narendran
For Respondents :
For R1 to R3 : Mr.K.Surendran
Additional Government Pleader
For R4 and R5 : Mr.C.Ananda Ramani

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first respondent to consider the petitioner's representation dated 20.06.2019 and to take necessary action in accordance with law.

2. Learned Additional Government Pleader appearing for the first to third respondents has filed the counter affidavit and the same is perused.

3. The case of the petitioner is that he is the grand son of his paternal grandfather namely Kulla Gounder. Originally, the subject property situated in T.S.No.6, Ward M, Block No.2, Salem District, was purchased by the petitioner's grandfather Kulla Gounder through a Sale Deed dated 01.10.1964 registered as Doc.No.6367/1964. After the demise of Kulla Gounder, his four sons namely Marimuthu, Thandavan, Natarajan (petitioner's father) and Manickam inherited the subject property. While being so, on 28.05.1997, the



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petitioner's cousin one Kannan, S/o. Late K.Manickam sold his share in the above subject property to the petitioner's mother Govindammal and on 17.04.1997, the petitioner's another cousin Palanisamy, S/o. Late K.Marimuthu sold portion of his share from and out of his inherited share in the above subject property to the petitioner. Thereafter, the petitioner settled portion of the land out of the said land in the name of his son. By virtue of the said Sale Deeds, the petitioner, his mother, his brother and his cousin viz., Palanisamy applied for mutation of Patta to the Tahsildar, Salem District. On their application, T.S.No.6 was further subdivided as T.S.No.6/1, T.S.No.6/2, T.S.No.6/3 and T.S.No.6/4. Aggrieved by the same, the petitioner's uncle K.Thandavan and his son T.Vairam made an application dated 20.07.2010, to the Revenue Divisional Officer, Salem District. On this application, the Tahsildar, Salem District vide order in Na.Ka.No.20986/10(B9) dated 15.09.2010, cancelled the Patta issued to the petitioner, his mother, his brother and his cousin Palanisamy. Challenging the said order, the petitioner's father K.Natarajan filed W.P.No.26205 of 2010. By order dated 02.12.2010, this Court set aside the order in Na.Ka.No.20986/10(B9) dated 15.09.2010 and disposed the writ petition with a direction to the Revenue Divisional Officer, Salem District to pass orders within ten weeks from the date of receipt of the copy of the order.



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4. The further case of the petitioner is that as per the order of this Court dated 02.12.2010, the Revenue Divisional Officer, Salem District, passed order in Na.Ka.No.4473/10/A3 dated 07.01.2011. On verification of order in Na.Ka.No.4473/10/A3 dated 07.01.2011, it was found that the signatures of the petitioner and his mother were forged as if they attended the enquiry held on 20.10.2010 and 22.11.2010 before the Revenue Divisional Officer, Salem District. Therefore, the petitioner given a complaint to the second respondent on 24.04.2019, sought for taking action against the third to fifth respondents. Also, the petitioner sent a representation dated 20.06.2019 to the first respondent, seeking an appropriate action on the alleged fraud committed by the third to fifth respondents. The above said representation was received by the first respondent on the next day i.e., on 21.06.2019.

5. The grievance of the petitioner is that despite the representation dated 20.06.2019, the first respondent has not considered the representation of the petitioner, which prompted the petitioner to approach this Court by way of the present writ petition.

6. This writ petition is filed with a limited prayer, to direct the first



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respondent to consider the petitioner's representation dated 20.06.2019.

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7. In view of the above, without going into the merits of the case, the first respondent is directed to consider the representation dated 20.06.2019 of the petitioner, on merits, in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above directions. No costs.

10.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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J.SATHYA NARAYANA PRASAD, J.

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To

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