



W.P. No.2881 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.2881 of 2024

R.Madeswaran

... Petitioner

Vs.

1. The Revenue Divisional Officer
Krishnagiri, Bangalore Road
Veerappa Nagar
Krishnagiri District - 635 001

2. The Tahsildar
Bargur Taluk
Bargur, Krishnagiri District

3. G.Kaliappan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent herein to consider the representation in the form of Appeal made by the petitioner herein on 25.07.2023 within the time frame stipulated by this Court.



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For Petitioner : Mr.J.Chelladurai Caldwell

For R1 and R2 : Mr.T.Arun Kumar
Additional Government Pleader

For R3 : Mr.M.Mohamed Afridi

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 1st respondent herein to consider the representation in the form of Appeal, made by the petitioner herein on 25.07.2023, within the time frame as may be fixed by this Court.

2. The case of the petitioner is that the petitioner is the resident of Mallapadi Village, Bargur Taluk, Krishnagiri District from his birth. The 3rd respondent herein, who is a wealthy and politically influential person in the Village, blocked the direct access lane which leads from the petitioner's house to the Bargur Thirupathur Road and obtained D-Patta in his name by suppressing the fact that he owns several parcels of land in the same Village. Hence, the petitioner made a representation in the form of



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Appeal to the 1st respondent on 25.07.2023 to conduct a detailed enquiry and to cancel the D-Patta, fraudulently issued in the name of the 3rd respondent and to remove the house and construction, fraudulently put up by the 3rd respondent in the public road and to restore the road. But till date, no action has been taken. Hence, the present Writ petition is filed.

3. The official respondents have filed counter.

4. Mr.T.Arun Kumar, learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the official respondent would conduct enquiry and pass orders.

5. Mr.M.Mohamed Afridi, learned counsel appearing for the 3rd respondent seeks time to file counter. However, since this Writ Petition is filed seeking a simple Writ of Mandamus to consider his representation, time for filing counter is not granted.

6. According to the petitioner, the 3rd respondent is a landlord, however, the official respondents have granted D-card Patta to him that too



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in the public access and therefore, the same has to be cancelled. When the petitioner made a representation before official respondents, they did not consider the same and pass orders and instead, they turned it and made allegations against the petitioner himself.

7. A perusal of the counter affidavit filed by the official respondents, prima facie shows that the 3rd respondent has got lands. However, whether the 3rd respondent is eligible for the assignment or not and the same has to be found out by the official respondents.

8. Hence, the respondent concerned is directed to issue notice to the petitioner, 3rd respondent herein, interested parties/rival claimants/aggrieved parties/objectors if any as the case may be and conduct enquiry in the manner known to law and passed orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



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9. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Case Citation : Yes/No
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To

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P.VELMURUGAN. J.

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