



WEB COPY

W.P.No.3997 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

W.P. No.3997 of 2024

Balamurugan

... Petitioner

Vs.

1. The District Collector  
Salem
2. The District Revenue Officer  
Salem
3. The Revenue Divisional Officer  
RDO Office, Attur, Salem District
4. The Tahsildar  
Tahsildar Office, Gangavalli Taluk,  
Salem District
5. Prema
6. Lakshmi
7. Seethalakshmi
8. Lakshmi
9. Amutha

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to 4<sup>th</sup> respondents to cancel all allotment and Patta given to the 5<sup>th</sup> to 9<sup>th</sup> respondents in S.Nos.638/1 to 638/10 at Naduvalur Village, Gangavalli Taluk, Salem



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District by considering the petitioner's representation dated 18.08.2023.

For Petitioner : Mr.T.Ganesan

For R1 to R4 : Mr.T.Arunkumar  
Additional Government Pleader

### **ORDER**

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to 4<sup>th</sup> respondents to cancel all allotment and Patta given to the 5<sup>th</sup> to 9<sup>th</sup> respondents in S.Nos.638/1 to 638/10 at Naduvalur Village, Gangavalli Taluk, Salem District by considering the petitioner's representation dated 18.08.2023.

2. The case of the petitioner is that the petitioner's grandmother namely Lakshmi Ammal obtained Patta in Patta No.241, through D-Card in the year 1955 to the extent of 9.51 Acres at S.No.638/1, 638/2 in Naduvalur, Gangavalli Taluk, Salem District and thereafter, the petitioner's grandmother and grandfather put their hard work and money in the land and cultivated the land. After the death of his grandmother and mother, the petitioner was cultivating the land upto the year 2004. Thereafter, the petitioner had gone to abroad for job, handing over the property to his grandmother's brother's son Neelamegam. In the year 2008, the petitioner returned to India and he was cultivating the land. Thereafter, in the year 2012, the petitioner came to know



that the land was subdivided into 10 sub divisions and allotted to the respondents 5 to 9 herein. Hence, the petitioner made a representation to the respondents to set aside the allotment order and the Pattas granted to the private respondents herein. However, so far, no action has been taken. Hence, the present Writ Petition is filed.

3. The contention of the learned counsel for the petitioner is that the respondents without proper enquiry, have issued Pattas and allotment orders to the private respondents. Further, the official respondents without any valid reason and without any notice and due process, wrongly converted the petitioner's agricultural land to dry land. The respondents are acting in the collusive manner to deprive the petitioner's land and that the petitioner has been made to run from pillar to post.

4. Mr.T.Arunkumar, learned Additional Government Pleader takes notice for the respondents 1 to 4. Since no adverse order is being passed against the respondents 5 to 9, notice to the respondents 5 to 9 is dispensed with.

5. Having regard to the facts of the case and since the Writ Petition is filed seeking a simple writ of mandamus to direct the respondents to consider the petitioner's representation, without going into the merits of the case, this



Court directs the respondents to issue notice to the petitioner, respondents 5 to 9 herein, adjacent land owners of the four boundaries of the subject property and also to the interested parties/rival claimants/objectors if any, as the case may be and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of at the admission stage itself. No costs.

20.02.2024

ksa-2

Index : Yes / No

Neutral Citation Case : Yes/No



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**P.VELMURUGAN. J.**

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