



W.P.No. 33442 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.33442 of 2018

Kuppusamy

.. Petitioner

Versus

1. The District Collector,
Tiruppur District,
Tiruppur.

2. The Joint Director (Panchayat's) Office,
Tiruppur District.

3. The District Revenue Officer,
Tiruppur District, Tiruppur.

4. The Block Development Officer,
Kangeyam Taluk,
Kangeyam, Tiruppur District

5. Mylaathaal

6. Kanchana

7. Arunachalam

8. Mrs.J. Saraswathi

...Respondents



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WEB COPY Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the 4th respondent Block Development Officer to implement the order dated 17.07.2018 issued by the second respondent within the stipulated time and pass orders.

For Petitioner : Mr.M. Gnanasekar

For Respondents 1- 3 : Mr. A.M.Ayyadurai
Government Advocate

For Respondent -4 : Mr.N. Inbanathan

For Respondent 7 : Mr.C. Prakasam

For Respondent 8 : Mr.R. Selvakumar

ORDER

This petition is filed to seeking to issue a writ of Mandamus directing the 4th respondent Block Development Officer to implement the order dated 17.07.2018 issued by the second respondent

2. The facts of the case are that the the petitioner is the absolute owner of the property situated in Survey No. 830/1 to an extent of 9.52



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acres, Sivanmalai Village, Kangeyam Taluk, Tiruppur District. One person by name Jayavel Nehru attempted to grab the subject property by creating fabricated documents. Due to which the mother and brother of the petitioner gave representation to the concerned revenue authorities. However, no action was taken. Hence the mother of the petitioner filed W.P.No.7491 of 2010 before this Court to consider the appeal pending before the 3rd respondent in Na.Ka.6582/2007A dated 16.06.2009 and this Court disposed the writ petition with a direction to the third respondent to dispose of the above appeal within a period of six weeks from the date of receipt of a copy of this Order. Pursuant to which the Revenue Tashildar, Kangeyam issued patta in the name of the petitioner and his mother namely Ranjitham and her sons. While so, one person by name Arunachalam purchased a portion of the subject property from the said Jayavel Nehru and his wife J.Saraswathi/8th respondent herein. Thereafter, the said Arunachalam entered into the criminal conspiracy with the Sivanmalai Panchayat President and the concerned Panchayat clerk and created false records and obtained tax receipts from the Sivanmalai Panchayat as he has constructed 8 houses in the Survey No.830/1. Based on the fabricated documents the said Arunachalam filed



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W.P.No.10382 of 2016 against the petitioner seeking for issuance writ of mandamus directing the second respondent/Revenue Divisional Officer, Dharapuram to dispose of the Revision Petition No.2840/2013 and sought a direction to the 3rd respondent(Tashildar, Dharapuram) to conduct fresh enquiry and decide the issue on merits. The said Arunachalam suppressed the pendency of the writ petition before the Revenue Divisional Officer, Dharapauram and got favourable orders. Thereafter, the petitioner filed Revision Petition in Na.Ka.No.8637/2018/J2 before the District Revenue Officer, Tiruppur District which is also pending. Pursuant to which the said Arunachalam started putting up construction in the said survey nos. Hence, the petitioner gave a representation on 18.06.2018 to the first respondent regarding the said issue. Subsequently, the District Revenue Officer forwarded the complaint to the Planning Officer on 28.06.2018. Pursuant to which the Assistant Director (Panchayat, Tiruppur District forwarded a letter in Na.Ka.No.2707/2017/A4 dated 17.07.2018 to the Block Development Officer, Kangeyam to take action against the respondents 5 to 8 and conduct enquiry and also demarcate the subject property. However, the said order was not implemented till date. Hence, this



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petition.

3. The learned counsel for the petitioner submitted that the Joint Director (Panchayat's) Office, Kangeyam vide order 17.07.2018 dated Na.Ka.No.2707/2017/A4 has clearly stated that there is no house in the subject property and the said Arunachalam has created forged tax receipts and further directed the Block Development Officer, Kangeyam to take action against the respondents 5 to 8 and conduct an enquiry. Hence prays to allow this petition

4. The learned Government Pleader appearing for the fourth respondent submitted that they will consider the plea of the petitioner and implement the order passed by the second respondent in the manner known to law.

5. I have given anxious consideration to either side submissions and perused the materials available on record.



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6. In view of the above facts, it is made clear that to put a quietus to the issue dealt in this writ petition an enquiry has to be conducted regarding the interest over the said Arunachalam in the subject property.

7. Therefore, the fourth respondent is directed to issue notice to the parties concerned and thereafter, conduct an enquiry regarding the interest over the said Arunachalam in the subject property by providing an opportunity of personal hearing to the petitioner and also take steps to implement the order passed by the second respondent in Na.Ka.No.2707/2017/A4 dated 17.07.2018 and pass orders within a period of four months from the date of receipt of a copy of this Order. This Court also directs the first respondent to issue a direction to the authorities concerned to conduct an enquiry regarding the claim made by the petitioner in the revision petition filed by the petitioner in Na.Ka.No.8637/2018/J2 before the District Revenue Officer, Tiruppur District in the manner known to law.



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8. With the above observations, this writ petition stands disposed of. No order as to costs.

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Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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