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W.P.No.10582 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.10582 of 2025

and

W.M.P. No.11914 of 2025 in W.P. No.10582 of 2025

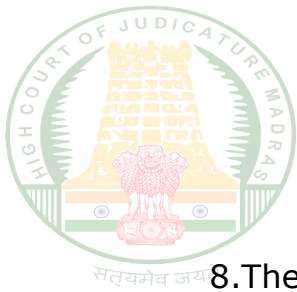
O.V.Saravana Babu

... Petitioner

Vs.

- 1.The District Collector,
Vellore, Vellore District.
- 2.The District Revenue Officer,
Vellore, Vellore District.
- 3.The Revenue Divisional Officer,
Vellore, Vellore District.
- 4.The Superintendent of Police,
Vellore, Vellore District.
- 5.The Tahsildar,
O/o.The Tahsildar,
Anaicut, Vellore District.
- 6.The Inspector of Police,
Pallikondan, Vellore District.
- 7.The Revenue Inspector,
Pallikondan, Vellore District.

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8.The Village Administrative Officer,
Vettuvanam/Pallikondan/Kilachur,
Vellore District.

9.The Executive Officer,
Pallikonda Town Panchayat,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned notice of the 9th respondent dated 29.11.2024 made in Na.Ka.No.150/2024 and quash the same and consequently direct the 9th respondent to pass orders by considering the representation of the petitioner's father dated 17.10.2024 and further direct the respondents to issue patta to the petitioner as per G.O.Ms.No.496 Revenue Department dated 24.12.2018.

For Petitioner : Mr.J.Chandran Sundar Sashi Kumar
for Mr.P.Eswaran

For Respondents : Mr.M.S.Arasakumar,
Government Advocate
for R1 to R7
Mr.T.K.Saravanan,
Additional Government Pleader
for R8 and R9



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ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed with a prayer for issue of a writ of certiorarified mandamus.

2. In and vide certiorari limb of the prayer, an 'order dated 29.11.2024 bearing reference Na.Ka.No.150/2024 made by R9 [Executive Officer, Pallikonda Town Panchayat, Vellore District]' (hereinafter 'impugned order' for the sake of convenience and clarity) has been assailed. In and vide consequential mandamus limb of the prayer, a mandamus to direct the respondents to issue patta to the petitioner as per G.O.Ms.No.496 Revenue Department dated 24.12.2018 has been sought.

3. Mr.J.Chandran Sundar Sashi Kumar, learned counsel representing Mr.P.Eswaran, learned counsel on record for writ petitioner, submits that impugned order does not consider the 'representation of the writ petitioner's father dated 17.10.2024' (hereinafter 'said representation' for the sake of convenience and



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clarity) though the impugned order says that it has been made under Section 128 of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' (hereinafter 'TNULB Act' for the sake of convenience and clarity) and though there is an earlier directive inter-alia vide order dated 18.11.2024 in W.P.No.33291 of 2024 as regards considering writ petitioner's father's representation dated 17.10.2024 (said representation).

4. Issue notice to respondents.

5. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 to R7 and Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R8 and R9.

6. Mr.T.K.Saravanan, learned Additional Government Pleader who has accepted notice inter-alia for R9 very fairly submitted on instructions that the impugned order will now be withdrawn as it does not consider said representation. Learned State counsel also fairly submitted that there is no whisper about said representation in impugned order though 18.11.2024 judicial order made in



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W.P.No.33291 of 2024 and writ miscellaneous petition thereat has been cited as No.9 in the reference.

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7. The stated position of learned State counsel has made the legal drill at hand fairly simple. Owing to this reason and considering the limited scope of the captioned main WP, with the consent of learned counsel on both sides, main WP is taken up in the Admission Board.

8. It is noticed that in said representation, there is no whisper about issue of patta to the writ petitioner much less issue of patta as per G.O.Ms.No.496 Revenue Department dated 24.12.2018. Faced with this situation, learned counsel for writ petitioner on instructions very fairly submitted that he abridges the prayer and restricts it to the certiorari limb. This means that the mandamus limb of the prayer does not fall for consideration.

9. In the light of the narrative, discussion and dispositive reasoning thus far, the following order is made:



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9.1 *Impugned order dated dated 29.11.2024 bearing reference Na.Ka.No.150/2024 made by R9 stands withdrawn;*

9.2 *This Court has not expressed any view or opinion on the merits of the matter and therefore it is open to R9 to pass orders afresh under Section 128(1)(b) proviso of TNULB Act after considering said representation on its own merits and in accordance with law;*

9.3 *Coercive action (if any and if that be so) will be subject to and depending on the outcome of the orders to be made afresh by R9;*

9.4 *As regards the mandamus limb of the prayer, as the prayer in the captioned WP has been abridged and restricted to the certiorari limb, we make it clear that all the rights and contentions of the writ petitioner are left open for seeking patta (if such a right is available to the writ petitioner). In this regard also, we express no view or*



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opinion and if the writ petitioner makes such a plea, the same shall be considered on its own merits and in accordance with law untrammelled by this order.

10. Captioned WP is disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition (WMP) thereat is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
24.03.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The District Collector,
Vellore, Vellore District.
- 2.The District Revenue Officer,
Vellore, Vellore District.
- 3.The Revenue Divisional Officer,
Vellore, Vellore District.
- 4.The Superintendent of Police,
Vellore, Vellore District.

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- 5.The Tahsildar,
O/o.The Tahsildar,
Anaicut, Vellore District.
- 6.The Inspector of Police,
Pallikondan, Vellore District.
- 7.The Revenue Inspector,
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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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