



W.P. No.20264 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.20264 of 2025

1.Surendar

2.Manimegalai

Petitioner(s)

Vs

1.The Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Mettur, Salem District.

3.The Tahsildar
Mettur Taluk Office, Mettur Dam,
Salem District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 3rd respondent to dispose the application made by the petitioners dated 22.08.2024 and 14.10.2024 to issue patta in T.S.No.7/43, situated at Ward-B, Block-39, Mettur Town, Mettur Taluk, Salem District based on the proceedings Nos. Om. Mu. 3798/ 2024-Aa and Om.Mu.3801/ 2024-Aa dated 06.09.2024 on the file of the 2nd respondent.

For Petitioner(s) : Mr.M.P.Rajavelayutham

For Respondent(s) : Mr.A.Selvendran
Special Government Pleader



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ORDER

WEB COPY By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed praying for a writ of mandamus to direct the 3rd respondent to dispose the application made by the petitioners dated 22.08.2024 and 14.10.2024 and issue patta in T.S.No.7/43, situated at Ward-B, Block-39, Mettur Town, Mettur Taluk, Salem District based on the proceedings Nos. Om. Mu. 3798/ 2024-Aa and Om.Mu.3801/ 2024-Aa dated 06.09.2024 on the file of the 2nd respondent.

3. It is submitted by the learned counsel for petitioners that petitioners purchased the property in TS.No.7/43, measuring an extent of 2 ½ cents situated at New Ward No.29, Old Ward No.10, Housing Board Colony (Front side) Ward -B, Block No.39, Mettur Dam-1, Salem District, from one Manjula by the way of an unregistered sale deed dated 10.02.2002. The petitioners' vendor namely Mallika had purchased the above property on 06.11.1987 and was in possession of the same for more than 23 years. Thereafter, Mallika sold the property to the petitioners' vendors in the year 2010, which was classified as Natham Varri Poramboke land in the revenue records. While so, it is stated that

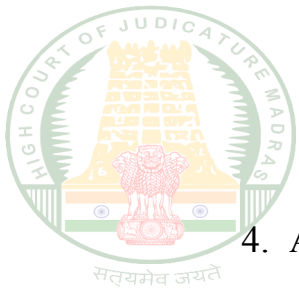


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the petitioners decided to construct a residential home and also obtained No Objection Certificate (NOC) from the Deputy Tahsildar vide proceedings in O.Mu/82/2023 dated 25.07.2023 for providing electricity service connection and TANGEDCO had effected electricity service connection.

3.1. It is also submitted that a Public Interest Litigation was filed by one Ashok Kumar and others in W.P.No.14694 of 2024 alleging encroachment by the petitioner of about 80 feet of public road in the land comprised in T.S.No.7/43. This Court vide order dated 14.06.2024 disposed of the writ petition leaving open the rights and contentions of alleged encroachers and to raise the same before the Committee concerned. It was further directed that the concerned Committee will consider the same on its own merits.

3.2. Pursuant to the above orders of this Court dated 14.06.2024, the jurisdictional Divisional Monitoring Committee headed by the 2nd respondent enquired the issue and the enquiry revealed that there was no 80 feet road identified in any of the revenue records. Thereafter, the petitioners submitted a representation dated 22.08.2024 to issue patta for the property in TS.No.7/43, the 3rd respondent forwarded the same to the 2nd respondent vide proceedings dated 06.08.2024, however the same is stated to be pending. In these circumstances, the petitioners has filed the present writ petition.



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4. At the outset, it is submitted by Mr.A.Selvendran, learned Special Government Pleader for respondents that they would consider the representations submitted by the petitioners and pass appropriate orders in accordance with law after affording a reasonable opportunity of hearing to the petitioners and other interested parties, within the time frame to be fixed by this Court, which was readily accepted by the learned counsel for petitioners.

5. In view thereof, the writ petition is disposed of with a direction to the appropriate respondent to consider the representations dated 22.08.2024 on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioners and other interested persons/stake holders, if any, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits and in accordance with law. No costs.

11.06.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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MOHAMMED SHAFFIQ, J.

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