

W.P. No.20949 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.20949 of 2025

Thangavel

... Petitioner(s)

Vs.

1. The District Revenue Officer,
Salem,
Salem District.

2. Sub Collector,
Mettur,
Salem District.

3. The Block Development Officer,
Tharamangalam,
Omalur Taluk,
Salem District.

4. The District Educational Officer,
Salem District,
Salem.

... Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to dispose the appeal filed by the vendor of the petitioner dated 12.01.2009 and reminder dated 08.02.2012 against the order of cancellation of patta passed by the 2nd respondent in Na.Ka.No.4995-08(c) dated 24.12.2008 and till such time direct the



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respondents not to put up any construction in the petitioner's land in Old S.No.182, New S.No.309/4 and 309/5 measuring 0.0282.0 Sq.Meter and 0.0185.5 Sq.Meter respectively situated at Karukkalvadi Village, Omalur Taluk, Salem District.

For Petitioner(s)	: Mr.V.Elangovan
For R1, R2 & R4	: Mr.A.Selvendran Special Government Pleader
For R3	Mr.K.Tippu Sulthan Government Advocate

ORDER

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, directing the 1st respondent to dispose the appeal filed by petitioner's vendor dated 12.01.2009 against the order of cancellation of patta passed by the 2nd respondent in Na.Ka.No.4995-08(C) dated 24.12.2008 and to direct the respondents not to put up any construction in the petitioner's land.

3. It is submitted by the learned counsel for the petitioner that the land property comprised in Old Survey No.182, New Survey No.309/4 and 309/5



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measuring 0.0282.0 Sq.Meter and 0.0185.5 Sq.Meter respectively situated at Karukkalvadi Village, Omalur Taluk, Salem District was purchased by the petitioner from one Boopathy and Subramani through their power agent viz., Rajendran by way of registered sale deed in D.No.351/2008 dated 01.02.2008 before the SRO, Tharamangalam. It is further submitted that the petitioner is in possession of the said property till date.

3.1. It is submitted by the learned counsel for the petitioner that some of the villagers filed a complaint before the 2nd respondent, alleging that the petitioner's vendors had obtained patta by producing false documents. Based on this complaint, the 2nd respondent passed an order in Na.Ka.No.4995-08(C) dated 24.12.2008, cancelling the pattas in Patta Nos.436 and 355, which were standing in the name of petitioner's vendors. It is further submitted that petitioner's vendors filed an appeal dated 12.01.2009 before the 1st respondent against the order of the 2nd respondent. However, the appeal was kept pending by the 1st respondent. The petitioner also submitted a reminder on 08.02.2012 to the 1st respondent requesting to dispose of the appeal.

3.2. It is further submitted that, while the appeal is pending before the 1st respondent, the 4th respondent has proposed to construct an Elementary School in the petitioner's land without any legal right to do so. Aggrieved by the same, the present writ petition is filed before this Court to direct the 1st respondent to



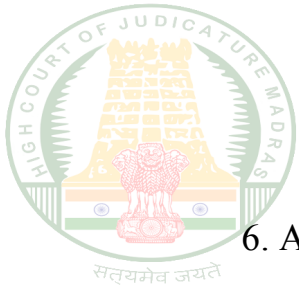
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dispose of the appeal filed by petitioner's vendors dated 12.01.2009.

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4. At the outset it is submitted by learned Special Government Pleader that the appeal dated 12.01.2009 which is stated to be pending would be considered and appropriate orders would be passed in accordance with law within the time frame fixed by this Court, which was agreed to by the learned counsel for the petitioner.

5. In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the respondents, to consider the appeal dated 12.01.2009 on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner, petitioner's vendor and other interested parties including rival claimants 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 case and it is open to the concerned respondent to consider the appeal dated 12.01.2009 on its own merits and in accordance with law.



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6. Accordingly, the writ petition stands disposed of. No Costs. .

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

spp

To:

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MOHAMMED SHAFFIQ, J.

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