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WP.No.39284 of 2024

In the High Court of Judicature at Madras

Dated : 06.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.39284 of 2024

K.Gopinathan

...Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue
Divisional Officer, Tirukovilur,
Kallakurichi District.

2.The Tahsildar, Taluk Office,
Ulundurpet Taluk,
Kallakurichi District-606107.

3.Arumugam

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to pass final orders pursuant to the inquiry conducted in Na.Ka.No.2/2568/2024 on the petitioner's application dated 26.7.2024 within a limited time frame as fixed by this Court.

For Petitioner : Mr.Ali Hassan Khan
For R1 & R2 : Mr.A.Selvendran, SGP



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ORDER

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Seeking a direction to the first respondent to pass final orders on the inquiry conducted pursuant to the representation dated 26.7.2024 sent by the petitioner, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 and 2.

3. The case of the petitioner is as follows :

(i) The petitioner is the owner of the property in S.Nos.328/4, 328/6 and 328/7, Kiliyur Village, Ulundurpet Taluk. The said property is bounded by a common pathway in S.No.328/5, which is not belonging to any of the adjacent land owners. It is evident from the sale deeds and settlement deeds in respect of the vendors of both the petitioner as well as the adjacent land owners that they relinquished a portion of their lands for the common pathway. However, without conducting a proper inquiry, the second respondent issued a patta to the third respondent for the common pathway by fraudulently adding S.No.328/5. After obtaining the patta, the third respondent created problems to both the petitioner as well as the adjacent land owners.

(ii) Aggrieved by the issuance of patta in respect of S.No.328/5 measuring 56 sq.meter in favour of the third respondent, the



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petitioner sent a representation dated 26.7.2024 to the first respondent. The said representation was forwarded to the second respondent so as to conduct a detailed inquiry and to submit a report. Pursuant to that, the inquiry was conducted on 16.8.2024 and 04.9.2024, in which, both the petitioner as well as the third respondent appeared. However, thereafter, no orders have been passed on the same. Hence the writ petition.

4. In the considered view of this Court, though the inquiry was completed on 04.9.2024 by the second respondent, no final orders have been passed by the first respondent on the petitioner's representation to date.

5. Considering the limited nature of the relief sought, the writ petition is allowed and a Mandamus is issued to the first respondent to pass final orders on the representation of the petitioner dated 26.7.2024 pursuant to the inquiry conducted by the second respondent on 16.8.2024 and 04.9.2024, within a period of four weeks from the date of receipt of a copy of this order. No costs.

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P.T.ASHA,J

RS

To

1.The Revenue Divisional Officer,
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2.The Tahsildar, Taluk Office,
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