



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.17149 of 2015

K.Serman

...Petitioner

Vs.

1.The District Revenue Officer,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Tuticorin,
Tuticorin District.

3.The Tahsildhar,
Ottapidaram Taluk,
Tuticorin District.

4.T.Gurunathasamy

5.V.Chellaiah Moopanar

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 and 2 to consider the representation, dated 07.09.2015 and appeal petition, dated 28.08.2015, submitted by the petitioner to cancel the patta granted in favour of the respondents 4 & 5 in respect of the land in S.No.205/7 and 205/8 Vellaram Village, Ottapidaram Taluk, Tuticorin District respectively and to restore the patta in the name of the petitioner, within a time frame to be fixed by this Court.

For petitioner

: Mr.G.Sankaran

For R-1 to R-3

: Mr.S.Kumar,

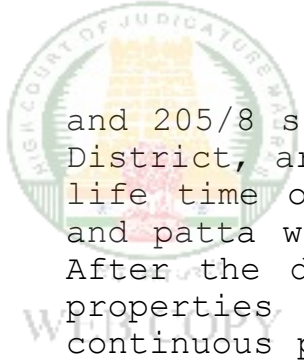
Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents 1 and 2 to consider the representation of the petitioner, dated 07.09.2015 to cancel the patta granted in favour of the respondents 4 & 5 in respect of the land in S.No.205/7 and 205/8 Vellaram Village, Ottapidaram Taluk, Tuticorin District respectively and to restore the patta in the name of the petitioner, within a stipulated time.

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2.It is averred in the petition that the the properties measuring to an extent of 54 and 52 cents comprised in S.Nos.205/7



and 205/8 situated at Vellaram Village, Ottapidaram Taluk, Tuticorin District, are the ancestral properties of the petitioner. During the life time of the petitioner's father, he cultivated the said lands and patta was also standing in the name of the petitioner's father. After the demise of the petitioner's father in the year 1991, the properties devolved on the petitioner and the petitioner is in continuous possession and enjoyment of the same. Thereafter, when the petitioner made an application for encumbrance certificate for the lands in S.Nos.205/7 and 205/8, he came to know that certain fraudulent documents were created in respect of the above said properties based on which the fourth respondent was issued with patta in respect of the land in S.No.205/7 and the fifth respondent was issued with patta in respect of the land in S.No.205/8. Hence, the petitioner made a representation on 07.09.2015 before the respondents 1 and 2, to cancel the patta granted in favour of the respondents 4 and 5. But the same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for R-1 to R-3. In view of the nature of order going to be passed in this Writ Petition, there is no need to issue notice to the respondents 4 & 5

4. Considering the submission made by the learned counsel for the petitioner, without going into the merits of the matter, this Court directs the second respondent to consider the representation of the petitioner, dated 07.09.2015, on merits and in accordance with law and pass appropriate orders by issuing notice to all the necessary parties including the respondents 4 and 5, within a period of four weeks from the date of receipt of a copy of this order. It is made clear, this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the second respondent to consider the case purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

1.The District Revenue Officer, Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer, Tuticorin, Tuticorin District.

3.The Tahsildhar, Ottapidaram Taluk, Tuticorin District.

+One cc to The Special Government Pleader, SR.No.56109

+One cc to M/s.T.Chandrasekaran, Advocate, SR.No.56033

pm

RL/5 c- 5/10/2015

W.P(MD).No.17149 of 2015

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