

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No. 11903 of 2016

Saravanan

... Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The District Revenue Officer,
Dharmapuri,
Dharmapuri District.

3. Loganathan

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to cancel the patta issued to the 3rd respondent on the basis of the petitioner's representation, dated 16.11.2015, within the time framed by this Court and to direct the respondent to issue a separate patta to the petitioner.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate.
For R1 & R2.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus directing the second respondent to cancel the patta issued to the third respondent on the basis of the petitioner's representation, dated 16.11.2015 and to direct the second respondent to issue a separate patta to the petitioner.

3. The Petitioner's father Rajan @ Raja got the property in S.No.84 to an extent of 1.88 acres out of 2.98 acres, situated in Konangi Halli Village, Pennagaram Taluk, Dharmapuri District vide, partition deed in doc.No.1168 of 1984. From the date of partition, his father was in possession and enjoyment of the property. After his demise, the petitioner and his mother were in possession and enjoyment of the said property. Thereafter, petitioner's mother executed a gift deed in favour of the petitioner vide Doc.No.4401/2014, dated 31.12.2014 at SRO, Pennagaram. When the petitioner had approached the second respondent for issuance of patta in his name, he came to know that patta has already been issued in favour of the 3rd respondent without any valid documents. Hence, the allegation of the petitioner is that the third respondent created a forged document as if the petitioner's father and his brother executed an unregistered sale agreement on 27.02.1986 in favour of one Lakshmi, who is the wife of the third respondent, who in turn executed a gift deed in favour of the third respondent and the same is not legally sustainable. Hence, the petitioner made a representation to the first respondent and the same was forwarded to the second respondent and the second respondent issued a summon on 02.12.2015 to the petitioner and the third respondent. Though the petitioner appeared in person on 31.12.2015 for enquiry and submitted relevant records, so far, there is no progress on the said enquiry. Hence, he has come forward with the present writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. Considering the facts and circumstances, without going into the merits of the claim of the petitioner, this Court directs the second respondent to conduct enquiry on the representation dated 16.11.2015 given by the petitioner, with regard to cancellation of the patta issued in favour of the third respondent and for issuance of patta in favour of the petitioner and pass an appropriate order in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the third respondent and also other necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner.

6. The writ petition is disposed of accordingly. No costs.

mrp

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The District Revenue Officer,
Dharmapuri,
Dharmapuri District.

+ 1 cc to Mr.K.Gandhi Kumar, Advocate Sr 20314

+ 1 cc to The Govt.Pleader, Sr 20548

KR/4/4/16

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