

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.14693 of 2016

1 D.Chandrakanthan ... Petitioner

Vs.

1 The Revenue Divisional Officer
Dharmapuri

2 The Tahsildar
Dharmapuri Taluk
Dharmapuri

3 Pondurangan

4 Pachiammal

5 Muniappan

6 Chinnasamy

7 Pachiappan

8 Perumal

9 Duraisamy ... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing 1st respondent to pass orders on the application of the petitioner dated 11.2.2016 requested for the cancellation of patta issued in favour of the respondents 3 to 9 (Patta Nos. 428, 581, 895, 275, 426, 476 and 376 issued by the 2nd respondent) for the lands of the petitioner's father situated in S. Nos.260/2, 261/1, 273/2, 273/3 and 277/1 of Errabaiyanahalli Village, Dharmapuri Taluk and issue patta in the name of legal heirs of Late Duraisamy.

For Petitioner : Mr.S.Doraisamy

For Respondents: Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

This writ petition is filed for issuing a Writ of Mandamus, directing the first respondent to pass orders on the application of the petitioner dated 11.2.2016 requesting for cancellation of patta issued in favour of respondents 3 to 9 (Patta Nos. 428, 581, 895, 275, 426, 476 and 376 issued by the 2nd respondent) for the lands of the petitioner's father situated in S. Nos.260/2, 261/1, 273/2, 273/3 and 277/1 of Errabaiyanahalli Village, Dharmapuri Taluk and issue patta in the name of legal heirs of Late Duraisamy.

(2.1) The case of the petitioner is that the lands in S. Nos.260/2, 261/1, 273/2, 273/3 and 277/1 of Errabaiyanahalli Village, Dharmapuri Taluk belonged to his father late K.Duraisamy. The above lands were purchased by his father in the year 1977. His father was doing agriculture. He died intestate on 3.5.2001, leaving behind him the petitioner and his six siblings. After his father's death, the petitioner was doing agriculture without any interference from any quarters.

(2.2) While so, the petitioner approached the concerned Tahsildar in January 2016, for issuing pattas in their name. But, to his shock and dismay, he came to know that pattas were issued in the name of respondents 3 to 9. Therefore, he made an application to the first respondent on 11.2.2016 requesting him to cancel the patta issued in favour of respondents 3 to 9 and issue patta in favour of legal heirs of his father Duraisamy. Since no action has been taken, the petitioner is constrained to file this writ petition.

3. Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing on behalf of the respondents.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 11.2.2016 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity

of personal hearing to the petitioner as well as respondents 3 to 9, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim made by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ajr

To

1 The Revenue Divisional Officer
Dharmapuri

2 The Tahsildar
Dharmapuri Taluk
Dharmapuri

+1cc to Mr.S. Doraisamy, Advocate, S.R.No.24872

+1cc to the Government Pleader, S.R.No.25036

PA(CO)
EU(17/05/2016)

सत्यमेव जयते

W.P.No.14693 of 2016

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