

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.6142/2017

K.Selvaraj .. Petitioner

Vs

1.The District Collector
Nagapattinam, Nagapattinam District.

2.The Revenue Divisional Officer
Cutchery Road, Mayiladuthurai,
Nagapattinam District.

3.The Tahsildar
Mayiladuthurai, Nagapattinam District.

4.R.Ramamoorthy .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated on 24.01.2017 and to cancel the patta No.1437 issued in the name of the 4th respondent for the property admeasuring to an extent of Nanjai 0.38.5 acres, i.e, 0.95 cents in Survey No.514/5B in Old Patta No.707 situated at Virudanga Nallur Village, 4 Nee, Manalmedu Vattam, Mayiladuthurai Taluk, Nagapattinam District, within a stipulated time period.

For Petitioner : Mr.D.Jagadeesan

For RR 1 to 3 : Mr.S.N.Parthasarathy, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.S.N.Parthasarathy, learned Government Advocate accepts notice on behalf of the respondents 1 to 3.

2 The petitioner in the affidavit filed in support of this writ petition would aver among other things that Rajanga Padayachi, S/o. [late] Lakshmana Padayachi, had purchased landed property admeasuring to an extent 0.95 cents in Survey No.514/5B [Patta No.707] situate at Virudhanga Nallu Village, Manalmedu Vattam, Mayiladuthurai Taluk, Nagapattinam District, through a registered Sale Deed dated 13.11.1998. The petitioner would further state that the said Rajana Padayachi died on 20.11.1998 without any issues and on 13.11.1998, he executed a Will in favour of his sister Thayalnayagi and another sister's son Kaliyaperumal, who is the father of the petitioner subject to certain conditions. It is the claim of the petitioner that the sisters of [late] Rajanga Padayachi had created a forged Sale Deed bearing Document No.1282/2013 dated 11.06.2013, registered on the file of the Sub Registrar, Mayiladuthurai, in the name of the 4th respondent and he has also obtained Patta No.1437 from the

respondents 1 and 2. The grievance expressed by the petitioner is that the 4th respondent, by fabricating documents, managed to get a patta and in this regard, the petitioner has also submitted a representation dated 24.01.2017 to the respondents 1 to 3, praying for cancellation of the said patta and in spite of receipt and acknowledgment, so far no orders have been passed and therefore, the petitioner came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate appearing for the respondents 1 to 3.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 2nd respondent to put the 4th respondent on notice and thereafter, consider and dispose of the petitioner's representation dated 24.01.2017 in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent.

M.SATHYANARAYANAN, J.,

AP

5 The writ petition stands disposed of with the above direction. No costs.

14.03.2017

Speaking Order

Index : No

Internet : Yes

AP

To

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