

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM

The HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.28845 of 2015 and
M.P.Nos.1 to 3 of 2015

Y.Ibrahim

... Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Krishnagiri District.
- 2.The Revenue Divisional Officer,
O/o The Revenue Divisional Officer,
Krishnagiri District.
- 3.The Tahsildar,
O/o.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District.
- 4.The Village Administrative Officer,
O/o The Village Administrative Officer,

Singarapettai,
Uthangarai Taluk,
Krishnagiri District.
- 5.The Sub Registrar,
O/o The Sub Registrar,
Uthangarai Taluk,
Krishnagiri District.

6.Ayyub Khan

7.A.Sairabanu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order in Ref.No.Moo.Mu.1333/2009/G dated 23.03.2010 passed by the 2nd respondent and quash the same as the same is perverse and non application of mind and consequently direct the respondents 2 & 3 to delete the name of the 6th respondent in Patta No.77 and to cancel the Patta No.154 stands in the name of the 7th respondent on the basis of the petitioner's representation dated 26.12.2014.

For Petitioner : Mr.T.Arockia Dass
For Respondents: Mr.R.Rajeswaran,
Special Government Pleader (R1 to R5)
Mr.M.Machavatharan (R6 & R7)

O R D E R

The petitioner has filed the above writ petition to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order dated 23.03.2010 passed by the 2nd respondent and to quash the same and consequently direct the respondents 2 & 3 to delete the name of the 6th respondent in Patta No.77 and to cancel the Patta No.154 stands in the name of the 7th respondent on the basis of the petitioner's representation dated 26.12.2014.

2.When the matter is taken up for hearing, the learned counsel on either side submitted that the petitioner and the respondents 6 & 7 had settled the matter out of Court and also submitted that the respondents 6 & 7 have no objection for cancelling the patta standing in their names and issuing fresh patta in the name of the petitioner. To that effect, the respondents 6 & 7 have also filed counter affidavit wherein it has been stated as follows:

"....

3.I submit that the aforesaid compromise is based on the joint compromise memo dated 12.09.2017. Therefore, I have no objection in cancelling the joint patta issued by the 3rd respondent in Patta No.77 and Patta No.154 both stands in favour of my wife. Further, I have no objection to issue separate patta in favour of the petitioner herein."

3.The averments stated in paragraph - 3 of the counter affidavit of the respondents 6 & 7 are recorded and in view of the same, the impugned order dated 23.03.2010 is set aside and the Writ Petition stands allowed. The 2nd respondent is directed to cancel the patta issued in favour of the respondents 6 & 7 and direct the 3rd respondent to issue separate patta in the name of the petitioner in respect of the said lands within a period of four weeks from the date of cancellation of the patta by the 2nd respondent. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
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O/o The Revenue Divisional Officer,
Krishnagiri District.

3.The Tahsildar,
O/o.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District.

4.The Village Administrative Officer,
O/o The Village Administrative Officer,

Singarapettai, Uthangarai Taluk,
Krishnagiri District.

5.The Sub Registrar,
O/o The Sub Registrar,
Uthangarai Taluk,
Krishnagiri District.

+ 1 cc to Mr.E. Kannadasan, Advocate Sr.68489
+ 1 cc to Government Pleader Sr.69424

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CA(CO)
EU(22/09/2017)

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