



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P. (MD) .No.16257 of 2017

V.Saravana

... Petitioner

Vs.

1.The District Collector,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Thasildhar,
Nanguneri Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petition dated 08.05.2017 given to conduct enquiry with regard to the fraudulent creation of Patta by removing the petitioner's name without any notice and pass orders on merits within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.G.Muthukannan

Government Advocate

O R D E R

The petitioner has come up with the present writ petition for issuance of Mandamus directing the respondents to consider the petitioner's petition, dated 08.05.2017.

2. According to the petitioner, the lands situated in S.Nos.5/2-1.42 acres, 5/3 - 4.74 acres, 94/3 - 4.80 acres, 91/1 - 4.40 acres, 105/1 - 1/96 acres, 105/2 - 4.98 acres, 105/3 - 3.37 acres, 120/1 - 0.86 cents, 120/2 - 0.85 cents, 120/3 - 0.80 cents, 120/4 - 0.87 cents, 108/2 - 2.98 acres, 111/2 - 0.39 cents, 94/4 - 0.51 cents 5/4 - 3.01 acres, 94/5 - 6.84 acres, 95/1 - 2.23 acres and 121/2 - 2.64 acres, Vijayanarayanam Village Part-I, Nanguneri Taluk, Tirunelveli District is the ancestral property. The



petitioner's father died intestate on 21.06.1985, leaving behind the petitioner and his other three sons and two daughters as his legal-heirs. So, the petitioner is entitled for 1/3rd share in the property.

3. The petitioner would state that one Peter and others, who have no right over the property, have obtained revenue records in their favour. Hence, the petitioner approached the first respondent for change of Patta. The first respondent in-turn referred the matter to the second respondent and the second respondent, by his proceedings No.4929/176, dated 12.05.2017, sought for particulars from the third respondent. Since the issue is pending without any substantial progress, the present writ petition has been filed.

4. Heard Mr.H.Arumugam, learned counsel for the petitioner and Mr.G.Muthukannan, learned Government Advocate appearing for the respondents.

5. Considering the above facts, this Court, without going into the merits of the case, directs the second respondent to consider the petitioner's petition dated 08.05.2017 and pass appropriate orders on merits and in accordance with law, after providing necessary opportunity, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Thasildhar,
Nanguneri Taluk,
Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 78493

+1cc to Mr.H.ARUMUGAM Advocate in SR. No. 78409

SKV

JS/MR.KKR/SAR.2/27.09.2017/2P-6C