



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.17051 of 2017

Ravi

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Ilupur Taluk,
Pudukottai District.

2. Tahsildar,
Kulathoor Taluk,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose the petitioner's petition dated 05.08.2016 pending with the first respondent in Na.Ka.No.m1/2493/2016 dated 09.08.2016 within the stipulated period as fixed by this Court.

For Petitioner :Mr.K.Baskaran

For Respondents :Mr.C.Selvaraj
Special Government Pleader

ORDER

The petitioner seeks issuance of Writ of Mandamus, directing the respondents to dispose his representation dated 05.08.2016.

2. The case of the petitioner is that he became absolute owner of the property in Survey No.100/7 to an extent of 0.30.0 ares situated at Melapuduvayal Village, Kulathoor Taluk, Pudukottai District by virtue of a registered will vide Document No.17/1988. The petitioner would allege that one Sebastian S/o.Innasimuthu, who has no right over the property, executed a gift deed in favour of his son Ignesium to an extent of 0.23.5 ares out of 0.30.0 ares. On the strength of the gift deed, the second respondent also issued patta in his favour. The petitioner would state that he gave a representation to the respondents to



cancel the patta on 05.08.2016. Since no action was taken, the present writ petition has been filed.

3. Heard Mr.K.Baskaran, learned counsel for the petitioner and Mr.C.Selvaraj, learned Special Government Pleader for the respondents. Perused the records.

4. The learned counsel for the petitioner would fairly submitted that the petitioner has not challenged the gift deed executed by the said Sebasthian, S/o.Innasimuthu in favour of his son Ignesium in the year 2010. It is also submitted that only based on the gift deed, the second respondent issued patta.

5. In view of the above undisputed fact, I am of the opinion that the representation of the petitioner for cancellation of patta cannot be considered by the respondents at this juncture. Hence, this writ petition is disposed of with liberty to the petitioner to approach the competent civil Court for redressal of his grievance. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ilupur Taluk,
Pudukottai District.

2. Tahsildar,
Kulathoor Taluk,
Pudukottai District.

+1 cc to The Special Government Pleader in SR.No.78830

sm/vsg

AE/MR KKR/SAR2/25.09.2017/2P/4C

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13.09.2017