



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.10.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P (MD) No.18490 of 2017

S.Ulagapillai

.. Petitioner

Vs.

1.The District Collector,
Trichy District.

2.The Revenue Divisional Officer,
Trichy District.

3.The Tashildhar,
Srirangam, Trichy District.

.. Respondents

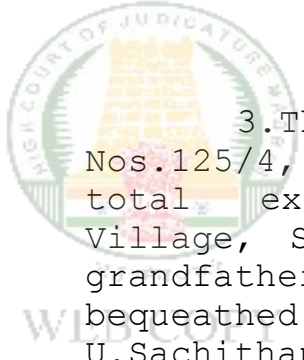
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent dated 18.07.2016 vide Na.Ka.A2/8875/2015 and quash the same and direct the third respondent to grant patta in respect of Survey Nos.125/4-1 acre 06 cents, 137/4-67 cents (0.27.0 hectare) 131/3 (1 acre 29 cents) 0.52.0 hectares, 141/3-17 cents (0.07.0 hectares) and 152/6 15 cents (0.06.0) hectares in Kuzhumani Village, Srirangam Taluk, Trichy District as per the representations dated 10.07.2014 and 24.11.2014.

For Petitioner : M/s.J.Anandhavalli

For Respondents : Mr.J.Gunaseelan Muthaiah,
Government Advocate.

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus to quash the impugned order passed the third respondent dated 18.07.2016 and direct the third respondent to grant patta in respect of Survey Nos.125/4 admeasuring 1 acre 06 cents, 137/4 admeasuring 67 cents [0.27.0 hectare], 131/3 admeasuring 1 acre 29 cents [0.52.0 hectares], 141/3 admeasuring 17 cents [0.07.0 hectares] and 152/6 admeasuring 15 cents [0.06.0] hectares in Kuzhumani Village, Srirangam Taluk, Trichy District, on the basis of the petitioner's representations dated 10.07.2014 and 24.11.2014.



3.The case of the petitioner is that the lands in Survey Nos.125/4, 143/5, 137/4, 131/3, 141/3 and 152/6, admeasuring a total extent of 4 acres and 11 cents, situated in Kuzhumani Village, Srirangam Taluk, Trichy District, belong to the great grandfather of the petitioner, namely, Arunachalam Pillai and he bequeathed the said properties to his father viz., U.Sachithanandam Pillai by a registered Will and a codicil and as per the same, his father will become the absolute owner of the said properties, after the death of Soodalai Ammal, who died on 16.01.2003 and Pitchayammal @ Ulagathammal, who died on 21.12.2011. But, his father died in the year 1990. During his lifetime, he executed a Will dated 14.09.1978 in favour of his sons. After the death of Soodalai Ammal and Pitchayammal @ Ulagathammal, the petitioner gave a representation to the respondents 2 and 3 for grant of patta in respect of the above properties, in favour of the male children of his father. But, the third respondent rejected the same and also directed him to approach the competent civil Court. Therefore, the petitioner is before this Court.

4.The learned Government Advocate appearing for the respondents would fairly submit that there is some inadvertent mistake committed in the impugned order and therefore the matter may be remitted back to the third respondent for fresh consideration.

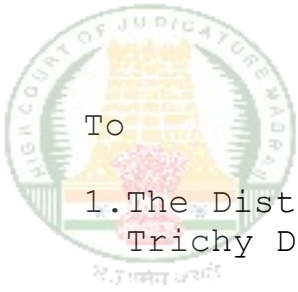
5.Recording the said statement made on the side of the third respondent, the impugned order passed by the third respondent is set aside and the matter is remitted back to the third respondent and the third respondent shall consider the representations of the petitioner dated 10.07.2014 and 24.11.2014 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of four weeks from the date of receipt of a copy of this order. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

6.The writ petition is disposed of as above. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Trichy District.

2.The Revenue Divisional Officer,
Trichy District.

3.The Tashildhar,
Srirangam, Trichy District.

+1cc to M/S.J.ANANDHAVALLI, Advocate SR.No.82187

+1cc to Special Government Pleader, SR.No. 82165

smn

MAS/JC/SAR1:23.10.2017:3P-6C

ORDER MADE IN
W.P(MD)No.18490 of 2017
09.10.2017