



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2017

CORAM:

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

W.P (MD) No.21186 of 2017

R.Kalimuthu

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Sub Collector,
Paramakudi,
Ramanathapuram District.

3. The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the Respondent to implement the 2nd Respondent order passed in proceedings vide Pa.Mu.(A4)9312/2016, dated 16.02.2017 and thereby cancel the separate pattas provided in favour of his 4 brothers born out of 1st wife Irulayee of his late father Ramuservai, with regard to the Punja Land to an extent of 2.07.50 comprised in Survey No.7/4A at Kulanthapuri Group, Paramakudi Taluk, Ramanathapuram Dist and relegate the Patta to its original status of Joint Family Patta stood No.660, on the basis of the representation dated 10.10.2017.

For Petitioner	: Mr.T.Indrachittu
For Respondents	: Mr.M.Alagathevan, Special Government Pleader

ORDER

This writ petition has been filed, seeking a direction to the respondents to implement order passed in proceedings vide Pa.Mu. (A4)9312/2016 dated 16.02.2017 and thereby cancel the separate pattas provided in favour of his 4 brothers born out of 1st wife Irulayee of his late father Ramuservai, with regard to the Punja Land to an extent of 2.07.50 comprised in Survey No.7/4A at



Kulanthapuri Group, Paramakudi Taluk, Ramanathapuram Dist and relegate the Patta to its original status of Joint Family Patta stood No.660, on the basis of the representation dated 10.10.2017.

2. Heard both sides.

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3. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner would submit that the petitioner and his brothers have been in joint possession and enjoyment of the property in question. The petitioner, alleging that his brothers fraudulently obtained patta in their favour, in respect of the property, filed an application seeking to cancel the same, before the second respondent. Though the second respondent, vide proceedings dated 16.02.2017 in Pa.Mu.(A4) 9312 of 2016, directed the third respondent to cancel the aforesaid patta, no action was taken by the second respondent. Hence, the petitioner sent a representation on 10.10.2017 to the third respondent. Even thereafter also, no fruitful order came to be passed. Therefore, the petitioner is before this Court.

5. The learned Special Government Pleader appearing for the respondents would submit that the third respondent would pass appropriate orders on merits within the time stipulated by this Court.

6. Considering the limited scope of the relief sought in this writ petition, this Court, without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated 10.10.2017 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and as well as the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

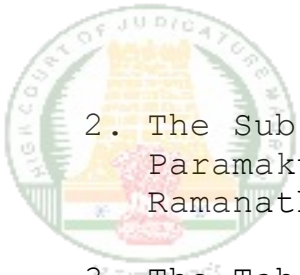
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.



2. The Sub Collector,
Paramakudi,
Ramanathapuram District.

3. The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

+1cc to Mr.K.Malaimaran, Advocate Sr.No.88383

+1cc to Spl.Government Pleader Sr.No.88213

DSK

VB/GT/SAR3/05/12/2017/3P/6C

ORDER MADE IN

W.P (MD) No.21186 of 2017

17.11.2017