



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.11.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22972 of 2018

M.Karuppasamy

..Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Sub Collector,
Palani Taluk
Dindigul District.

3.The Tahsildar
Palani Taluk
Dindigul District.

4.A.Haridoss

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to consider the representation dated 01.10.2018 given by the petitioner to remove the 4th respondent's name and issue fresh patta in the name of the petitioner in respect of the property bearing S.No.853/1A1A situated in Manoor Village, Palani Taluk, Dindigul District.

For Petitioner :Mr.G.Ganeshkumar

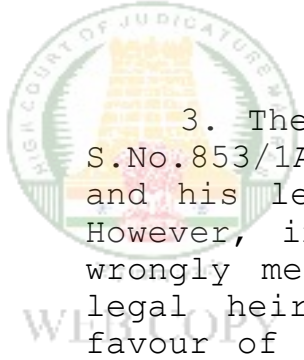
For Respondent :Mr.B.Bagavathy

Government Advocate

ORDER

This writ petition has been filed seeking a writ of Mandamus, to direct the 3rd respondent to consider the petitioner's representation dated 01.10.2018 given by the petitioner to remove the 4th respondent's name and issue fresh patta in the name of the petitioner in respect of the property bearing S.No.853/1A1A situated in Manoor Village, Palani Taluk, Dindigul District.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who takes notice for the respondents.



3. The petitioner's case is that he has purchased the land in S.No.853/1A1A to an extent of 1372½ sq. ft. from one Mariappa Thevar and his legal heirs, in the year 1992 vide Document No.817/1992. However, in the schedule of property, the survey number has been wrongly mentioned as 846/1A instead of 853/1A1A. Therefore, the legal heirs of Mariappa Thevar, executed rectification deed in favour of the petitioner, which was registered in Doc.No.1147/2017 and the Village Administrative Officer has also issued a certificate to that effect. Since then, the petitioner was in peaceful possession and enjoyment of the said property. While so, for issuance of patta for the said land, the petitioner approached the authorities. However, the petitioner came to know that patta has been wrongly issued in favour of the fourth respondent. Hence, the petitioner sent a representation to the respondents for issuance of patta in his name. Pursuant to the same, the fourth respondent conducted enquiry and the petitioner as well as the fourth respondent appeared along with relevant documents. However, since no action has been taken, the petitioner approached this Court by filing W.P.(MD) No.14034/2018 and this Court, by order dated 02.07.2018, directed the authorities to consider the representation of the petitioner dated 10.10.2017. Pursuant to the said order, the 2nd respondent passed an order 31.07.2018 stating that the fourth respondent has wrongly obtained patta and directed the petitioner to apply for fresh patta. Thereafter, the petitioner applied for patta before the third respondent on 01.08.2018 and also sent a representation to the third respondent on 10.10.2018. However, since the same has not been considered so far, the petitioner is before this Court with the present writ petition with the aforesaid prayer.

4. Considering the limited scope of the writ petition, this Court is inclined to pass the following order:

"When there is an order passed by this Court to consider and pass orders on the representation of the petitioner and there is a finding to the effect that the fourth respondent has fraudulently obtained patta in his name, the authorities ought to have cancelled the said patta and issued a fresh patta in the name of the petitioner. Since no such order has been passed, the third respondent is directed to consider the representation of the petitioner dated 10.10.2018 and pass appropriate orders for grant of patta in the name of the petitioner. Such exercise shall be carried out within a period of four weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Sub Collector,
Palani Taluk
Dindigul District.

3.The Tahsildar
Palani Taluk
Dindigul District.

- 1 CC TO Mr.G.GANESHKUMAR, ADVOCATE IN SR No.96153.
+1 cc to Special Government Pleader, SR.No.96040.

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W.P (MD) No.22972 of 2018
19.11.2018