



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18043 of 2019

M.Ramakrishnan

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2.The Tahsildar,
Thiruvidaimaruthur Taluk Office,
Thiruvidaimaruthur,
Thanjavur District.

3.M.Sundaramoorthi

4.S.Karthikeyan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to cancel the patta on the name of the respondents 3 and 4 herein and issue the joint patta to the petitioner and fourth respondent's favour with regard to the lands in Survey No.115/1, 117/2B, 117/3 and Survey No.117/4 situated at Maruthuvakudi-1 Village, Thiruvidaimaruthur Taluk, Thanjavur District based on the petitioner's representation dated 28.02.2019.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.V.Anand (for R1 & R2)
Government Advocate

ORDER

The prayer sought for in this writ petition is that, to direct the respondents 1 and 2 to cancel the patta on the name of the respondents 3 and 4 herein and issue the joint patta in favour of the petitioner and fourth respondent with regard to the lands in Survey No.115/1, 117/2B, 117/3 and Survey No.117/4 situated at Maruthuvakudi-1 Village, Thiruvidaimaruthur Taluk, Thanjavur District based on the petitioner's representation, dated



28.02.2019.

2. Heard Mr.G.Gomathi Sankar, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the respondents 3 and 4, notice to them is dispensed with.

3. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4. In respect of the property at Survey Nos.115/1, 117/2B, 117/3 and Survey No.117/4 situated at Maruthuvakudi-1 Village, Thiruvidadaimaruthur Taluk, Thanjavur District, which, originally, according to the petitioner, belonged to the father of the petitioner, who settled the same by way of registered Will to the petitioner and the third respondent, who is the brother of the petitioner. However, during UDR survey, unmindful of the settlement made by the father of the petitioner through the Will in respect of the particular property, for entire area patta has been given in favour of the third respondent without including the name of the petitioner and the third respondent also in turn seems to have settled the property in favour of the fourth respondent, who is the son of the third respondent. Therefore, in order to rectify the patta issued in favour of the third respondent alone under UDR survey, the petitioner has given a representation to the first respondent on 28.02.2019. Therefore, the learned counsel for the petitioner would submit that, if the said representation is decided by the first respondent on merits, within a time frame, the petitioner would be satisfied.

5. I have heard Mr.V.Anand, learned Government Advocate appearing for the respondents 1 and 2, who would submit that, the said representation of the petitioner, dated 28.02.2019, would be decided by the first respondent, within a time frame, after hearing the petitioner as well as the private respondents.

6. Having regard to the said submissions made by both sides, this Court is inclined to dispose of this writ petition with the following directions:-

"that the first respondent is hereby directed to consider the representation of the petitioner, dated 28.02.2019 and pass final order thereon, on merits and in accordance with law, of-course after hearing both the petitioner as well as the respondents 3 and 4 by sending them separate notices and such final order shall be passed by the first respondent, within a period of six weeks from the date of receipt of a copy of this order."



7. With the above directions, this Writ Petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar (CS)

Rmk

To

1. The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2. The Tahsildar,
Thiruvidaimaruthur Taluk Office,
Thiruvidaimaruthur,
Thanjavur District.

+1 CC to M/s.G.GOMATHI SANKER, Advocate (SR-82499[F] dated
20/08/2019)

+1 CC to M/s.SPL GP (SR-82845[F] dated 21/08/2019)

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KM/ (13.12.2019) 3P 5C