



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18263 of 2019

R.Rathinasamy Nadar

...Petitioner

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

3.The Tahsildar,
Veerakeralamputhur Taluk,
Tirunelveli District.

4.Ramar

5.Sudalaimadanadar

6.Sivanraj

7.Vanamamalai

8.Marimuthu

9.Shanmugajegan Tensingh

10.Perumal Nadar

11.Kadarkarai Nadar

12.Subramanian

13.Velliah

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to conduct an enquiry with regard to the cancellation of patta obtained by the respondents No.4 to 13 in a fraudulent manner for the petitioner's properties situated in S.Nos.303/2, 304/1, 304/5, 318/4, 318/9, 318/3, 449/8 of Kazhuneerkulam village, Alangulam Taluk, Tirunelveli District and with regard to re-issue patta in favour of the petitioner on the basis of the petitioner's representation dated 11.06.2019.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.M.Rajarajan, G.A. For RR1-3



ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 2nd respondent to conduct an enquiry with regard to the cancellation of patta obtained by the respondents No.4 to 13 in a fraudulent manner for the petitioner's properties situated in S.Nos.303/2, 304/1, 304/5, 318/4, 318/9, 318/3, 449/8 of Kazhuneerkulam village, Alangulam Taluk, Tirunelveli District and with regard to re-issue patta in favour of the petitioner on the basis of the petitioner's representation dated 11.06.2019.

2.Heard Mr.M.Sankar, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the official respondents 1 to 3. Since no adverse order is going to be passed against the respondents 4 to 13, notice to them is dispensed with.

3.In order to rectify the alleged wrong entry in the patta in respect of the property in S.Nos.303/2, 304/1, 304/5, 318/4, 318/9, 318/3, 449/8 of Kazhuneerkulam village, Alangulam Taluk, Tirunelveli District and to remove the alleged wrong entries and issue patta in the name of the petitioner, the petitioner has given a representation/appeal on 11.06.2019 to the 2nd and 3rd respondents. In fact, the representation was addressed to the 3rd respondent and a copy has been marked to the 2nd respondent. Therefore, the learned counsel appearing for the petitioner would submit that, if the said representation/appeal is decided by the competent authority viz., the 2nd respondent within a time frame on merits, the petitioner would be satisfied.

4.I have heard the learned Additional Government Pleader appearing for the respondents 1 to 3, who would submit that, for the grievance of alleged wrong entry in the patta concerned, the petitioner should have filed an appeal directly to the 2nd respondent. However, at any rate, since the appeal petition by way of representation addressed to the 3rd respondent and copy has been marked to the 2nd respondent, based on which, let the 2nd respondent decide the issue on merits and in accordance with law within a time frame to be stipulated by this Court.

5.Having regard to the said submission made by both sides, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"The 2nd respondent is hereby directed to consider the representation of the petitioner dated 11.06.2019 and decide the same on merits and in accordance with law, after giving reasonable opportunity of being heard to both the petitioner as well as the private



respondents herein i.e., respondents 4 to 13 by sending separate notices to them and pass final orders thereon, within a period of eight weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

Arul

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
3. The Tahsildar,
Veerakeralamputhur Taluk,
Tirunelveli District.

+1 CC to SPL GP (SR-83549[F] dated 27/08/2019)

+1 CC to MR.M. SANKAR, Advocate (SR-83611[F] dated 27/08/2019)

Order made in
W.P. (MD)No.18263 of 2019

Dated:
22.08.2019

_KM/ (20.12.2019) 3P 6C