

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17880 of 2020
and
W.M.P.No.22856 of 2020

Mariya Thomas, M/54 years,
S/o.Mariya Ambrose,
No.3/3, Periyar Pathai,
Bharathieswarar Colony 3rd Street,
Choolaimedu, Chennai 94. ... Petitioner

Vs.

1.The Tahsildar,
Office of the Tahsildar,
Ootacamund & Taluk,
Nilgiris District, Tamilnadu.

2.The Sub Registrar,
Office of the Sub Registrar,
Gudalur, Ootacamund,
Nilgiris District.

3.A.J.Helen, C/o.Yuvaraj.S,
No.251, Government Health Center,
Kallati. ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to cancel the fraudulently obtained patta No.89, pertains to land bearing S.No.193/2, to an extent of 1 acres 50 cents at Masanakudi Village, Nilgiris District, consequently direct the 1st respondent to issue join patta in the name of the legalheirs of the original owner of the aforesaid land namely late Mariya Ambrose.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.G.Rajesh, (for R1)
Government Advocate

Mr.T.M.Pappiah (for R2)
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the first respondent to consider the representation made by the petitioner, wherein the petitioner is seeking for the cancellation of the patta issued in favour of the third respondent.

2.The grievance of the petitioner is that initially a settlement deed was executed by the father of the petitioner in favour of the third respondent. However, the settlement deed came to be cancelled by virtue of the cancellation deed dated 04.07.2001, which was also registered on the file of the second respondent. By concealing the cancellation deed, the third respondent seems to have approached the first respondent and got a patta in her favour for the entire property.

3.Heard Mr.P.R.Thiruneelakandan, learned counsel appearing for the petitioner; Mr.G.Rajesh, learned Government Advocate appearing for the 1st respondent and Mr.T.M.Pappiah, learned Special Government Pleader appearing

on behalf of the 2nd respondent.

4.Mr.Rajesh, learned Government Advocate appearing on behalf of the first respondent submitted that the first respondent has called the parties for enquiry on 23.12.2020 at 12.00 Noon. The learned counsel further submitted that the petitioner can be present at the time of enquiry along with all the relevant documents.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the first respondent has already called the parties for enquiry, there shall be a direction to the first respondent to complete the enquiry after affording sufficient opportunity to the petitioner and the third respondent and shall pass orders strictly in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs.

11.12.2020

Index :Yes/No

Internet:Yes/No

<http://www.judis.nic.in>

sai/pgp

N.ANAND VENKATESH,J.

sai/pgp

To

1.The Tahsildar,
Office of the Tahsildar,
Ootacamund & Taluk,
Nilgiris District, Tamilnadu.

2.The Sub Registrar,
Office of the Sub Registrar,
Gudalur, Ootacamund,
Nilgiris District.



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