



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.8910 of 2020

WEB COPY

M.Saravanan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Musiri Divison, Musiri,
Trichy District.

2.The Thasildar,
Thuraiyur Taluk, Trichy District.

3.Maruthamuthu

4.Murugesan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from deleting the petitioner's name in joint patta in No.2348 and cancelling the petitioner's patta in No.2358 without following due process of law, by considering the representation of the petitioner dated 02.06.2020.

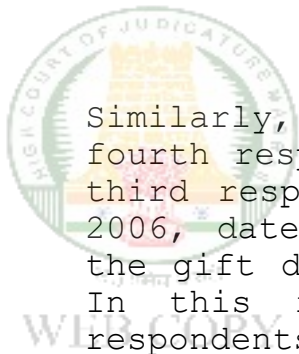
For Petitioner : Mr.R.Gowrishankar

For R1 and R2 : Mr.C.M.Marichellaiah Prabhu,
Additional Government Pleader

ORDER

This Writ Petition is filed seeking for a direction, forbearing the respondents 1 and 2 from deleting the petitioner's name in joint patta in No.2348 and cancelling the petitioner's patta in No.2358 without following due process of law, by considering the representation of the petitioner dated 02.06.2020.

2. The learned counsel appearing for the petitioner submitted that the third and fourth respondents are the petitioner's father and elder brother respectively. They are having ancestral property as well as agricultural land in Survey No.277/4, 277/6, 277/7 situated at Keerambur Village, Thuraiyur Taluk, Trichy District. On 24.06.2005, the third respondent executed a registered gift deed to the petitioner vide Document No.2540/2005 in respect of 2.13 Acre.



Similarly, the petitioner's father executed another gift deed to the fourth respondent. Thereafter, the petitioner came to know that the third respondent cancelled the gift deed vide document No.2435 of 2006, dated 22.06.2006, even without any notice. From the date of the gift deed, he was in possession and enjoyment of the property. In this regard, the petitioner sent a representation to the respondents 1 and 2 not to delete his name in the joint patta. Hence, he filed this Writ Petition.

3.Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that in respect of the petition mentioned property, the petitioner filed a suit in O.S.No.171 of 2019 before the District Munsif Court, Thuraiyur, and the same is pending. Till the decision is taken by the concerned Court, the respondents 1 and 2 shall not change the name in the revenue records.

4.Recording the submission made by the learned Additional Government Pleader, the Writ Petition is disposed of. No costs.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Revenue Divisional Officer,
Musiri Divison, Musiri, Trichy District.

2.The Thasildar,
Thuraiyur Taluk, Trichy District.

+1 CC to SGP (SR-14656[F] dated 21/08/2020)

W.P. (MD) No.8910 of 2020
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KM (03.09.2020) 2P 4C