



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.09.2020**

CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD) No.11260 of 2020

Gunasekaran

...Petitioner

Vs.

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

2.The Tahsildar,
Thuraiyur, Trichy District.

3.The Zonal Deputy Tahsildar,
Thuraiyur, Trichy District.

4.Muthulingam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from taking any steps for change patta and alteration of computerized revenue records with regard to S.No.175/1B- punjai 6.96 acre and S.No.176/3 punjai - 1.96 acre in Murugur Village, Thuraiyur Taluk, Trichy District in favour of the fourth respondent during the pendency of the civil suit.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1 to R3	: Mr.C.M.Marichellaiah Prabhu, Additional Government Pleader.

ORDER

The writ petition is filed for forbearing the respondents 1 to 3 from taking any steps for change patta and alteration of computerized revenue records with regard to S.No.175/1B- punjai 6.96 acre and S.No.176/3 punjai - 1.96 acre in Murugur Village, Thuraiyur Taluk, Trichy District in favour of the fourth respondent during the pendency of the civil suit.

2. Mr.C.M.Marichellaiah Prabhu, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel appearing for the petitioner submitted that the aforesaid property belongs to the petitioner's father, namely, Manickam and paternal uncle Muthaiah. After demise of the petitioner's father, the petitioner has been in possession and



enjoyment of the said property. The fourth respondent created some forged documents in respect of the said property. In this regard, the petitioner filed a suit in O.S.No.35 of 2016 before the Sub Court, Thuraiyur, seeking relief of declaration.

4.The learned counsel appearing for the petitioner further submitted that the fourth respondent frequently influenced the revenue officials and to change the patta in his favour without providing opportunity to the petitioner. Therefore, the petitioner approached the first respondent. Subsequently, the petitioner came to know that the fourth respondent's name reflects in the 'A' Register. Without passing any order for transfer of patta to the petitioner, changes were carried out in the 'A' Register. Thereafter, the petitioner sent a lawyer notice on 13.08.2020 to respondents 2 to 4 objecting to grant patta in favour of the 4th respondent, who is an influenced person, by suppressing the pendency of the suit, takes steps to transfer the patta in his favour. Therefore, the petitioner filed this present writ petition.

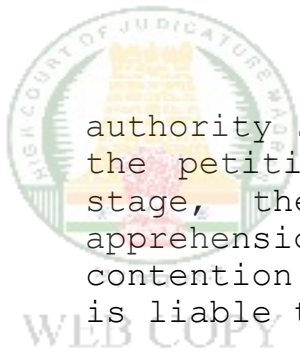
5.The learned Additional Government Pleader appearing for the respondents submitted that the petitioner has sent a lawyer notice to the respondents 2 and 3 restraining the fourth respondent from cancelling the patta. He further submitted that the petitioner has to make his objection before the authority concerned and the same will be considered by the authority concerned in accordance with law.

6.In response to the submissions made by the learned Additional Government Pleader, the petitioner seeks liberty to make fresh objection before the second respondent for cancellation of patta.

7.Considering the aforesaid facts and circumstances of the case and also considering the submissions of the learned counsel appearing on either side, the petitioner is directed to make fresh objection before the second respondent to cancel the patta granted in favour of the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. If any such representation is received, the second respondent shall conduct enquiry and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as rival parties, if any, as expeditiously as possible.

8.In view of the statement of the learned Additional Government Pleader, the petitioner has approached this Court on the apprehension that without affording an opportunity, the concerned authority will pass an order for cancellation of the patta granted in favour of the petitioner.

9.In view of the statement of the learned Additional Government Pleader and as per law settled by this Court, the concerned



authority shall not pass order, without affording an opportunity to the petitioner, if cancellation order was passed. Hence, at this stage, the writ petitioner has approached this Court on the apprehension that the cancellation order will be passed. The said contention of the writ petitioner cannot be entertained and the same is liable to be rejected.

10. If necessary, the petitioner can work out his remedy before the appropriate forum. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

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, Trichy District.
- 2.The Tahsildar,
Thuraiyur, Trichy District.
- 3.The Zonal Deputy Tahsildar,
Thuraiyur, Trichy District

+1 CC to M/s.SPL GP (SR-16496[F] dated 10/09/2020)

W.P. (MD) No.11260 of 2020
09.09.2020

SRK(CO)
KB(01.10.2020) 3P 5C