



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) Nos.16268 and 16275 of 2020

and

W.M.P. (MD) Nos.13598 and 13604 of 2020

B.Saravanan ... Petitioner in W.P. (MD) No.16268 of 2020

S.Lakshmi ... Petitioner in W.P. (MD) No.16275 of 2020

-Vs-

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

2.The Revenue Divisional Officer,
Lalgudi, Trichy District.

3.The Tahsildar,
Lalgudi Taluk, Trichy District.

4.The Deputy Tahsildar,
Lalgudi Taluk, Trichy District.

5.The Village Administrative Officer,
Keeramangalam Village,
Lalgudi Taluk, Trichy District.

6.T.Ramachandran

7.R.Udhayasurya ... Respondents in both Writ Petitions

Common Prayer: Writ Petitions are filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry on the petitioners' representations dated 11.10.2020 and 10.10.2020 to cancel the alleged patta issued by the respondents 4 and 5 in favour of the 6th respondent and to take action against them.

For Petitioners : Mr.T.Lenin Kumar
(in both WP's)

For R1 to R5 : Mr.M.Pandiya Rajan,
Additional Government Pleader.
(in W.P. (MD) No.16268 of 2020)



For R1 to R5

: Mr.M.Muniyasamy,
Additional Government Pleader.
(in W.P.(MD)No.16275 of 2020)

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COMMON ORDER

The petitioners have come forward with these Writ Petitions, seeking a direction to the respondents 1 and 2 to conduct enquiry on the petitioners' representations dated 11.10.2020 and 10.10.2020 to cancel the alleged patta issued by the respondents 4 and 5 in favour of the 6th respondent and to take action against them.

2.By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

3.Mr.M.Pandiya Rajan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 5 in W.P.(MD) No.16268 of 2020 and Mr.M.Muniyasamy, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 5 in W.P.(MD)No.16275 of 2020. Since no adverse order is going to be passed against the respondents 6 and 7, notice to them is dispensed with.

4.According to the petitioners, they are in possession and enjoyment of the property in Survey No.38/12 and Survey No.40/3 respectively, situated at Keeramangalam Village, Thaalakudi, Lalgudi Taluk, Trichy District. At this juncture, the 6th respondent, who is a stranger to the property in question, has colluded with the 5th respondent and fabricated a patta in his favour with regard to the property in question. Therefore, the petitioners have separately sent representations dated 11.10.2020 and 10.10.2020. Since no order has been passed on the representations of the petitioner, they have approached this Court, seeking aforesaid prayer.

5.The learned counsel appearing for the petitioners submitted that the petitioners have preferred appeal before the second respondent, namely, Revenue Divisional Officer to cancel the patta granted in favour of the 6th respondent herein.

6.This Court is of the considered view that the issue whether such an act by the respondents 4 and 5 is correct or not, has got to be decided by the Appellate Authority, namely, second respondent. Hence, without rendering any adverse order against the private respondents, namely, respondents 6 and 7, this Court directs the Appellate Authority, namely, second respondent to dispose of the appeal / representation of the petitioners, within a period of 90 days from the date of receipt of a copy of this order.



7. Accordingly, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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// True Copy //

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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 District Revenue Officer,
Trichy District, Trichy.
- 2.The Revenue Divisional Officer,
Lalgudi, Trichy District.
- 3.The Tahsildar,
Lalgudi Taluk, Trichy District.
- 4.The Deputy Tahsildar,
Lalgudi Taluk, Trichy District.
- 5.The Village Administrative Officer,
Keeramangalam Village,
Lalgudi Taluk, Trichy District.

+2 CC to M/s.GP (SR-22391 & 22360[F] dated 20/11/2020)

Order made in

W.P. (MD) Nos.16268 and 16275 of 2020

19.11.2020

SV2 (CO)

AP (02/12/2020) 3P 8C