



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P. (MD)No.16629 of 2020

D.S.Maldurai

... Petitioner

-vs-

1.The District Collector,
Tuticorin.

2.Sub Collector,
Tuticorin.

3.Tahsildar,
Tuticorin.

4.Nagaraj

5.Babu

6.Dinesh

7.Uma

8.Saroja

9. The District Revenue Officer,
Office of the District Revenue Officer,
Tuticorin, Tuticorin District.

... Respondents

(Respondent 9 is suo motu impleaded vide order dated 24.11.2020 in W.P.(MD) No.16629 of 2020 by SVNJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 07.03.2020 and pass order on the same in accordance with law within a specified time fixed by this Hon'ble Court and consequently direct the respondents 1 to 3 to cancel the pattas bearing Nos.1995, 1510, 1921, 297, 1642, 940, 1467, 1027, 887, 1319, 791, 1678, 946 and 940 issued in favour of the respondents 4 to 8 and some third parties.

For Petitioner

: Ms.Kanimozhi Mathi

For Respondents

: Mr.P.Kannithevan

1 to 3 & 9

Additional Government Pleader



ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 07.03.2020 and pass order on the same in accordance with law within a specified time fixed by this Court and consequently direct the respondents 1 to 3 to cancel the pattas bearing Nos.1995, 1510, 1921, 297, 1642, 940, 1467, 1027, 887, 1319, 791, 1678, 946 and 940 issued in favour of the respondents 4 to 8 and some third parties.

2. Heard the learned Counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader, who took notice for the respondents. Since this Court is not going to pass any adverse orders against the respondents 4 to 8, notice to them is dispensed with.

3. It is represented by the learned counsel appearing for the petitioner that the properties comprised in Survey Nos.150, 165, 256/6, 256/12A, 255/21, 255/22, 255/18, 250/10, 249/12, 267/4, 268/5, 269/2, 270/10 and 275/1 and with subdivision Survey Nos.150/1A1, 150/1A2, 150/1B, 150/2, 165, 256/6A, 256/12A, 255/21, 255/22, 255/18, 250/10, 249/12, 267/4A, 268/5, 269/2, 270/10, 275/1A, 275/1B, 275/1C were originally belonged to the petitioner's grandfather, namely, Duraisamy Nadar, who had three sons, namely, Palpandiyan, Sundarapandiyan and Ganesan. The respondents 4 to 8, who are the legal heirs of the said Ganesan, have obtained pattas in their favour in respect of the above said properties by suppressing the material facts. It is further submitted that without considering the fact that the above properties joint family properties and have not been partitioned among the three sons of the said Duraisamy Nadar and without any document, the third respondent has issued the pattas only in favour of the respondents 4 to 8 which is illegal. It is further submitted that some third parties names have been included in the computer chitta. Therefore, the petitioner made a representation on 07.03.2020 seeking to cancel the pattas issued in favour of the respondents 4 to 8 and to delete the name of some third parties in the computer chitta. As there was no response from the respondents, the petitioner has come forward with the present Writ Petition.

4. Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the issue involved in this Writ Petition has to be decided by the District Revenue Officer, Tuticorin and he has not been made as a party.

5. Considering the nature of dispute to be decided, the District Revenue Officer, Tuticorin, Tuticorin District, is *suo motu* impleaded as 9th respondent.



6.Considering the facts and circumstances of the case and without going into the merits of the case, the first respondent is directed to forward the representation of the petitioner dated 07.03.2020 and relevant papers to the District Revenue Officer, Tuticorin, Tuticorin District/9th respondent herein within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 9th respondent shall decide the matter and pass orders in accordance with law and in the light of the judgment made in W.P.(MD)No.14135 of 2020, dated 12.10.2020, within a period of 120 days thereafter, after affording an opportunity of hearing to the petitioner and the persons those who are likely to be affected including the respondents 4 to 8.

7.With the above direction the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

- 1.The District Collector,
Tuticorin.
- 2.Sub Collector,
Tuticorin.
- 3.Tahsildar,
Tuticorin.
4. The District Revenue Officer,
Office of the District Revenue Officer,
Tuticorin,
Tuticorin District.

+1cc to M/s.Kanimozhi Mathi, Advocate Sr.No.22770

W.P (MD) No.16629 of 2020

24.11.2020

SVN (CO)

NR (07/01/2020) 3P : 6C

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