



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16327 of 2020

WEB COPY

Sakthi

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Revenue Divisional Officer,
Iluppur Taluk
Pudukottai District.

3.The Tahsildar,
Viralimalai Taluk
Pudukottai District.

4.T.Selvaraj

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to conclude the appeal petition dated 07.03.2020 praying for cancellation of patta pertaining to Survey No.94/1 of Vemmani Village, Pudukottai District forwarded by the District Collector, Pudukottai within a stipulated time and to pass orders in the said appeal preferred by the petitioner within a stipulated time as fixed by this Court after affording opportunity to all the parties interested.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.M.Murugan

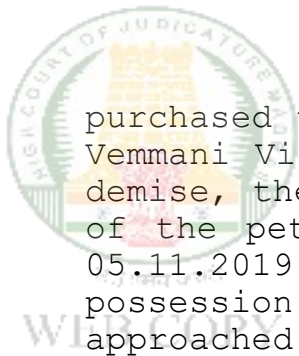
Government Advocate for R1 to R3

O R D E R

The present writ petition has been filed for a mandamus to direct the 2nd respondent to conclude the appeal petition dated 07.03.2020 praying for cancellation of patta pertaining to Survey No.94/1 of Vemmani Village, Pudukottai District forwarded by the District Collector, Pudukottai.

2.Since no adverse order is going to be passed, notice to the fourth respondent is dispensed with.

<https://hcservices.courtsgov.in/hcservices/> In the case of the petitioner that the petitioner's father



purchased the property in S.No.94/1 to an extent of 0.32.50 ares in Vemmani Village, Viralimalai Taluk, Pudukottai District. After his demise, the petitioner's mother executed a settlement deed in favour of the petitioner and his sister vide Document No.4105/2019 dated 05.11.2019 and as such, the petitioner and his sister are in possession and enjoyment of the property. While so, when they approached the third respondent for change of patta in their name, they came to know that patta has been obtained fraudulently by the fourth respondent in his favour. For cancelling the said patta obtained by the fourth respondent, the petitioner gave a representation to the respondents 1 and 3. However, the 1st respondent has forwarded the same to the second respondent Revenue Divisional Officer, who is the competent authority to cancel patta. The 2nd respondent, who in turn, vide his proceedings dated 05.05.2020, directed the 3rd respondent to conduct an enquiry and file a report. However, since no action has been taken on the said appeal preferred by the petitioner, the petitioner is before this Court with this present writ petition.

4.Considering the facts and circumstances of the case, the writ petition is disposed of by directing the 2nd respondent to decide the appeal preferred by the petitioner within a period of 90 days from the date of receipt of a copy of this order. The petitioner is expected to produce necessary documents in support of his claim. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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 Collector,
Pudukottai District,
Pudukottai.



2.The Revenue Divisional Officer,
Iluppur Taluk
Pudukottai District.

3.The Tahsildar,
Viralimalai Taluk
Pudukottai District.

+1 CC to M/s.GP (SR-22521[F] dated 23/11/2020)

W.P. (MD) No.16327 of 2020

Dated:
19.11.2020

PU (CO)

KK(09.12.2020) 3P 5C