



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.16464 of 2020

WEB COPY

S.Vijayalakshmi

... Petitioner

Vs.

1.The Revenue Divisional Officer,  
O/o.Revenue Divisional Office,  
Collectorate Building,Madurai.

2.The Tahsildar,  
Thirupparamkundram Taluk,  
Madurai District.

3.Durairaj

4.Rajesh Khanna

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to cancel the patta issued in favour of the third respondent in Old Survey No.8/5, T.S.No.13/2, property situated at No.24, Madakkulam Village (Ellis Nagar), Patta No.778, now comes under Block No.52 Survey Ward No.IV, T.S.No.13, Thirupparankundram Taluk, Madurai District on the basis of the petitioner's representation dated 28.08.2020.

For Petitioner : Mr.T.Villavankothai

For Respondents : Mr.M.Pandiya Rajan  
Additional Government Pleader  
for R1 and R2

**ORDER**

This writ petition is filed, seeking issuance of Writ of Mandamus directing the first respondent to cancel the patta issued in favour of the third respondent in Old Survey No.8/5, T.S.No.13/2, property situated at No.24, Madakkulam Village (Ellis Nagar), Patta No.778, now comes under Block No.52 Survey Ward No.IV, T.S.No.13, Thirupparankundram Taluk, Madurai District, on the basis of the petitioner's representation dated 28.08.2020, within a stipulated time.

2. Heard the learned Counsel appearing for the petitioner and Mr.M.Pandiya Rajan, learned Additional Government Pleader, who took

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notice for the respondent 1 and 2. Since this Court is not going to pass any adverse order against the third and fourth respondents, notice to the third and fourth respondents is dispensed with.

3. It is represented by the learned counsel appearing for the petitioner that the petitioner's husband Late K.Subbiah purchased the piece of house site in private layout on 18.10.1963 to an extent of 71/2 cents out of 0.90 cents in Old R.S.No.8/5 by virtue of sale deed No.4623/1963. The above said land was acquired by Tamilnadu Housing Board on 28.04.1982 by issuing 4(1) notice. Later by virtue of the order of the High Court, the Government of Tamilnadu passed G.O.No.244 of 2008 on 14.07.2008 to drop the land acquisition proceedings of Tamilnadu Housing Board and handed over the lands to the original Land Owners. The petitioner's land falls in Old S.No.8/5 and New T.S.No.13(pt) was returned to the petitioner. Thereafter, the petitioner applied for patta transfer on 17.06.2020. At that time, the petitioner came to know that one Durairaj, S/o Ramasamy, by showing wrong four boundaries before the revenue authorities, changed the patta in his name. But the boundaries are not tallying with patta and survey sketch. More over, one Padmavathy, wife of the above said Durairaj purchased 2 plots by virtue of sale deed No.4518/1963 in the same lay out of 0.90 cents on 16.10.1963 and she sold the said two plots to one Rajeshkannan/the fourth respondent herein, by virtue of sale deed No.4712/2019 on 25.04.2019 and sale deed No.7568/2019 on 04.07.2019. The said Rajeshkannan also trying to encroach the petitioner's house site. Therefore, the petitioner made a representation to the first respondent on 28.08.2020 to cancel the patta issued in favour of the third respondent in Old S.No.8/5, T.S.No.13/2. But, so far no action has been taken. Therefore, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstances of the case, the first respondent is directed to consider the representation of the petitioner dated 28.08.2020 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, after affording an opportunity of hearing to the concerned parties, more particularly, the petitioner and the respondents 3 and 4 and other parties who are likely to be affected.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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,  
O/o. Revenue Divisional Office,  
Collectorate Building,  
Madurai.

2. The Tahsildar,  
Thirupparamkundram Taluk,  
Madurai District.

+1 CC to M/s.T. VILLAVANKOTHA I, Advocate ( SR-22610[F] dated 24/11/2020 )

+1 CC to M/s.GP ( SR-22669[F] dated 24/11/2020 )

**W.P(MD)No.16464 of 2020**

**23.11.2020**

ck(CO)

TR(10.12.2020) 3P 5C