



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.16543 of 2020

Jebaraj

...Petitioner

-Vs-

1.The Sub Collector,
Office of the Sub Collector,
Thoothukudi.

2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi.

3.Arun Sundar

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass orders in the appeal filed by the petitioner on 03.09.2020 within a stipulated time in which enquiry was concluded on 16.09.2020 itself.

For Petitioner : Mr.T.A.Ebenezer

For Respondents 1 and 2: Mr.K.P.Krishnadoss,
Special Government Pleader.

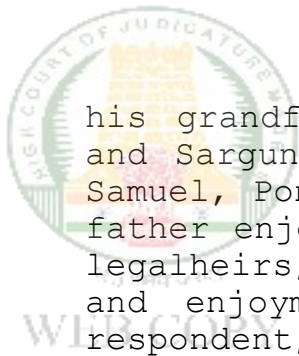
ORDER

This Writ Petition has been filed, seeking a direction to the first respondent to pass orders in the appeal filed by the petitioner on 03.09.2020 within a stipulated time in which enquiry was concluded on 16.09.2020 itself.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Mr.K.P.Krishnadass, learned Special Government Pleader, learned Additional Government Pleader takes notice on behalf of the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent notice to him is dispensed with.

4. According to the petitioner, the land in Survey No.254/10 situated at, Seryaikarnmadam Village, Thoothukudi Taluk belonged to



his grandfather Ponnuchamy jointly along with his brothers Samuel and Sargunam. Patt No.795 was also granted jointly in the name of Samuel, Ponnuchamy and Sargunam. After their death, the petitioner's father enjoyed the same along with his cousins and thereafter their legalheirs, ie., the petitioner and his cousins are in possession and enjoyment of the said property. At this juncture, the 3rd respondent, who is a stranger to the property in question, has fraudulently included his name in the joint patta with regard to the property in question. Therefore, the petitioner made an application dated 03.09.2020 to remove the name of the third respondent from Patta No.795. The first respondent issued notice for enquiry to be conducted on 16.09.2020. In the meantime, on 10.09.2020, the third respondent also included his father's name in the said patta. Hence, the petitioner approached this Court, seeking aforesaid prayer.

5. The learned counsel appearing for the petitioner submitted that the petitioner has preferred application before the first respondent to cancel the patta granted in favour of the 3rd respondent herein.

6. This Court is of the considered view that the issue whether such an act by the third respondent is correct or not, has got to be decided by the concerned Authority. Hence, without rendering any adverse order against the private respondent, namely, the third respondent, this Court directs the first respondent to dispose of the application of the petitioner, within a period of 120 days from the date of receipt of a copy of this order. The directions given by this Court in W.P.(MD)No.14135 of 2020, dated 12.10.2020 should be followed wherever it is applicable.

7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

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 Sub Collector,
Office of the Sub Collector,
Thoothukudi.

2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi.

+1 CC to SGP (SR-22693[F] dated 24/11/2020)

+3 CC to M/s.T.A.EBENEZER, Advocate (SR-22760[F] dated 26/11/2020)

Order made in
W.P. (MD) No.16543 of 2020

23.11.2020

SJ(CO)
NR (17/12/2020) 3P : 7C