



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.12.2020**

CORAM:

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

W.P (MD) No.17218 of 2020

WEB COPY

Manimuthu

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate Building,
Sivagangai District.

2.The District Revenue Officer,
Office of the Collectorate Building,
Sivagangai District.

3.The Revenue Divisional Officer,
Office of the Collectorate Building,
Sivagangai District.

4.The Tahsildar,
Thiruppuvanam Tahsildar Office,
Sivagangai District.

5.Kajendran

... Respondents

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 4 to dispose of the petitioner's application dated 02.11.2020 to cancel the patta which stands in the name of fifth respondent in respect of the property in Survey No.113/6 situated at Thiruppachethy Village, Thiruppuvanam Taluk, Sivagangai District after giving notice to all the parties concern.

For Petitioner

: Mr.D.S.Haroon Rasheed

For Respondents 1 to 4

: Mr.K.P.Krishnadoss

Special Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the respondents 1 to 4 to dispose of the petitioner's application dated 02.11.2020 to cancel the patta which stands in the name of the fifth respondent in respect of the property in Survey No.113/6 situated at Thiruppachethy Village, Thiruppuvanam Taluk, Sivagangai District after giving notice to all the parties concern.

2. Mr.K.P.Krishnadoss, learned Special Government Pleader takes notice for the respondents 1 to 4. By consent, the writ



petition is taken up for disposal at the admission stage itself. Since no adverse order is going to be passed against the fifth respondent, notice to the fifth respondent is dispensed with.

3. The case of the petitioner is that the lands in the property in Survey No.113/6 to an extent of 2 Acres 11 cents situated at Thiruppachethy Village, Thiruppuvanam Taluk, Sivagangai District are originally belonged to one Kamatchiammal @ Rajammal, W/o.Sundarampillai, vide patta No.86, New patta No.687. Thereafter partition had taken place among her relatives. Since the said Kamatchiammal @ Rajammal has no child and adopted one Kamatchi @ Kameshwaran during her life time from whom the petitioner and his brothers purchased 40 cents from the said property through an unregistered sale deed on 08.11.2008. Now, the fifth respondent, being a third party executed a forged settlement deed in favour of one Rajeswari in respect of 1 Acre 89 Cents including the petitioner's property to grab the petitioner's property. The said Rajeswari and the fifth respondent are brother and sister. The patta has been changed wrongly in the name of the fifth respondent to an extent of 2 Acres 11 cents, in which 1 Acre 89 cents transferred to his sister, Rajeswari. Hence the petitioner sent a representation dated 02.11.2020 to the respondents 1 to 4 to cancel the patta stands in the name of the fifth respondent in the above said survey number. But the said representation is not considered so far. Hence, the petitioner has approached this Court.

4. The learned Special Government Pleader drew the attention of the Court at page No.15 of the typeset of papers filed by the petitioner, which is the settlement deed dated 04.06.2013 executed in favour of one Rajeswari, who is also an interested party and the petitioner has not impleaded the said Rajeswari as a party to the writ petition. He further submitted that the request of the petitioner is pending before the third respondent.

5. In any event, since no adverse order has been passed either against the petitioner or against the fifth respondent or the said Rajeswari, this Court without going to the merits of the case directs the third respondent/RDO to consider the request of the petitioner and decide the same after affording opportunity to the parties, who are likely to be affected or who are interested, within a period of 90 days from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS II)

// 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 District Collector,
Office of the Collectorate Building,
Sivagangai District.

2.The District Revenue Officer,
Office of the Collectorate Building,
Sivagangai District.

3.The Revenue Divisional Officer,
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Thiruppuvanam Tahsildar Office,
Sivagangai District.

+1 CC to M/s.GP (SR-23641[F] dated 02/12/2020)

W.P (MD) No.17218 of 2020
01.12.2020

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