



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17635 of 2020

S.Perumal

... Petitioner

-VS-

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
3. The Revenue Divisional Officer,
Cheranmahadevi,
Cheranmahadevi Taluk,
Tirunelveli District.
4. The Tahsildar,
Cheranmahadevi,
Cheranmahadevi Taluk,
Tirunelveli District.

5. S.Suresh

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the third respondent to pass the order to cancel the forged Natham patta issued wrongly by Tahsildar in the name of fifth respondent in the petitioner's UDR Patta No.2230 to the extent of 0.00.84 hectares as directed by the second respondent in the order in Mu.Mu.Ka.No.2/25045/2020 to the third respondent dated 07.11.2020 on the basis of the High Court order in W.P.(MD)No.9546 of 2020 dated 04.09.2020 and subsequently dispose of the same within a time specified.

For Petitioner : M/s.S.Arunnithy

For Respondents : Mr.K.P.Krishnadoss
1 to 4 Special Government Pleader



O R D E R

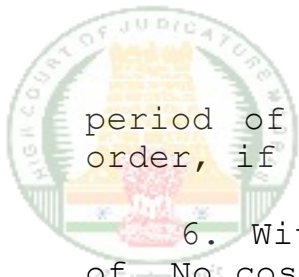
This petition has been filed, seeking issuance of a Writ of Mandamus, directing the third respondent to pass order to cancel the forged Natham patta issued wrongly by Tahsildar in the name of fifth respondent in the petitioner's UDR Patta No.2230 to an extent of 0.00.84 hectares as directed by the second respondent vide order in Mu.Mu.Ka.No.2/25045/2020, dated 07.11.2020 on the basis of the High Court order in W.P.(MD)No.9546 of 2020 dated 04.09.2020 and subsequently dispose of the same within a time specified.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondents 1 to 4. Since this Court is not going to pass any adverse order as against the fifth respondent, notice to him is dispensed with.

3.The learned Counsel appearing for the petitioner would submit that the property measuring to an extent of 0.01.92 hectares in Old Survey No.74/8, New Survey No.313/12 situated at Mukkudal Village, Cheranmahadevi Taluk, Tirunelveli District is a natham land belonged to the petitioner for which UDR patta bearing No.2230 was also issued in favour of the petitioner on 12.12.1994. The petitioner had executed a portion of the land measuring to an extent of 0.01.08 hectare by way of settlement deed. While so, the fifth respondent, who has no right or tile over the said property, has got his name to be included in the UDR Assignment Patta bearing No.2230 on the basis of a forged deed bearing No.2102/2010. Therefore, the petitioner made a representation to the jurisdictional Sub Registrar for cancellation of the said forged deed on 31.07.2018 who cancelled the same vide PR.No.1567 of 1974. Even though the second respondent vide communication dated 07.11.2020, directed the third respondent to pass orders after affording an opportunity of hearing to both parties, the third respondent has not taken any steps to dispose of the issue. Therefore, the petitioner has come forward with the present Writ Petition.

4.Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the land is a natham land and the issue has got to be decided only by the Tahsildar/fourth respondent herein as per the communication of the second respondent dated 07.11.2020.

5.Considering the facts and circumstance of the case, this Court, without expressing any opinion on the merits of the matter, directs the fourth respondent to decide the issue and to pass appropriate orders thereon in accordance with law, after hearing all the necessary parties including the fifth respondent, within a



period of 120 days from the date of receipt of a copy of this order, if there is no legal impediment to do so.

6. With the above direction, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

SRM

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
3. The Revenue Divisional Officer,
Cheranmahadevi,
Cheranmahadevi Taluk,
Tirunelveli District.
4. The Tahsildar,
Cheranmahadevi,
Cheranmahadevi Taluk,
Tirunelveli District.

+1 CC to M/s.S.ARUNNITHY, Advocate (SR-24109[F] dated 07/12/2020)

+1 CC to SGP (SR-24443[F] dated 08/12/2020)

W.P. (MD) No.17635 of 2020
04.12.2020

KVN (CO)

KM (21.12.2020) 3P 7C