



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.12.2020**

CORAM:

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

W.P(MD)No.17820 of 2020

A.Kaleel Rahuman

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

4.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

5.V.Premnath

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to cancel the patta No.320 fraudulently obtained by the fifth respondent and issue new patta in the name of the petitioner's father.

For Petitioner : Mr.M.Sheik Abdullah

For Respondents 1 to 4

: Mr.P.Kannithevan

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the respondents to cancel the patta No.320 fraudulently obtained by the fifth respondent and issue new patta in the name of the petitioner's father.

2. Mr.P.Kannithevan, learned Additional 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 land in Survey Nos.204/4A and 204/5A to an extent of 59 cents situated at



Kodanginaickanpatti Village, Nilakottai Taluk, Dindigul District was purchased by his father from one Puhari. Patta was also issued in the name of his father in Patta No.320 and sale deed was also registered before the Sub Registrar of Nilakottai on 01.04.2004 vide Registration No.644 of 2004. From the date of purchase, the said land is in the possession and enjoyment of the petitioner and his family. In the meanwhile, the petitioner came to know that the above said land was fraudulently re-registered on 23.12.2013 in favour of the fifth respondent herein. Hence the petitioner sent a representation dated 19.11.2020 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 Additional Government Pleader 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, 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. The petitioner as well as the fifth respondent is directed to produce the necessary documents in support of their contention before the authority concerned.

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

Sd/-

Assistant Registrar (crl.side)

// 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 District Collector,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

4.The Tahsildar,
Nilakottai Taluk, Dindigul District.

+1 CC to M/s.SPL GP (SR-24892[F] dated 10/12/2020)

W.P (MD) No.17820 of 2020
08.12.2020

TP (CO)
KB (16.12.2020) 3P 6C