



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

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

W.P. (MD)No.18794 of 2020

R.Parveen

... Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Madurai,
Collectorate Buildings,
Madurai.

2.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

3.G.Sakthi Rao

4.G.Leela @ Leelavathi

5.G.Sivaraj Rao

... 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 one Gajendran, the father of the respondents 3 to 5, in T.S.No.150, Block No.12, in Survey No.125 situated at Mohammedshapuram, Ward-A, Thirumangalam Town, Thirumangalam Taluk, Madurai District on the basis of the petitioner's representation dated 03.09.2020.

For Petitioner

: Mr.T.Villavankothai

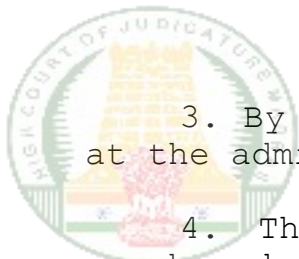
For Respondents 1 and 2 : Mr.P.Kannithevan

Additional Government Pleader

ORDER

This writ petition is filed, seeking issuance of Writ of Mandamus directing the first respondent to cancel the patta issued in favour of one Gajendran, the father of the respondents 3 to 5, in T.S.No.150, Block No.12, in Survey No.125 situated at Mohammedshapuram, Ward-A, Thirumangalam Town, Thirumangalam Taluk, Madurai District on the basis of the petitioner's representation dated 03.09.2020.

2. Heard the learned Counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader, who took notice for the respondents 1 and 2. Since no adverse order is going to be passed against the respondents 3 to 5, notice to them is dispensed with.



3. By consent of both parties, the Writ Petition is disposed of at the admission stage itself.

4. The case of the petitioner is that the petitioner has purchased a piece of housing site to an extent of 1414-1/2 sq. feet and 510 sq.ft. Totally 1924 sq.ft from one Jahir Hussain, who is the Power-of-Attorney of one Mydeen Beevi, on 10.01.2011 by virtue of sale deed in Doc.No.11472/2011. But at the time of issuing patta in favour of the petitioner, the patta was issued for the total extent of 1414-1/2 sq.ft alone instead of 1924 sq.ft, since the earlier owner obtained patta as T.S.No.151 to an extent of 1414-1/2 sq.ft alone. The father of the respondents 3 to 5, namely, Gajendran also purchased a piece of land from the said Mydeen Beevi to an extent of 875 sq.ft., vide sale deed in Doc.No.2705/1983 on 11.01.1983 and a common pathway between the petitioner and him was already left on the eastern side within 6 feet. At the time of changing patta, the said Gajendran fraudulently encroached 145 sq.ft from the petitioner's land and formed 12 feet common pathway and changed the patta in his name including the common pathway of 12 feet. Hence, the petitioner sent a representation to the first respondent on 03.09.2020 in this regard, but till today he has not passed any order. Therefore, the petitioner has come forward with this Writ Petition.

5. At this juncture, the learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the Revenue Divisional Officer/1st respondent herein called for report from the second respondent, Tahsildar.

6. Considering the facts and circumstances of the case and without passing any adverse orders against the respondents 3 to 5, this Court directs the first respondent to take a decision in the matter after getting report from the Tahsildar and after affording opportunity to all the necessary parties and the parties, who are likely to be affected. The said exercise shall be completed within a period of 120 days from the date of receipt of a copy of this order, in accordance with law.

7. With the above direction, the writ petition stands disposed of. No costs.

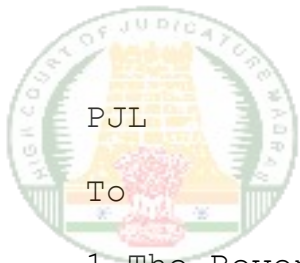
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



PJL

To

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Madurai,
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2.The Tahsildar,
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PU (CO)

NR (18/01/2020) 3P : 3C