



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

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

W.P. (MD)No.5655 of 2018

M.Govindhan

... Petitioner

-vs-

1.The District Collector,
Pudukkottai District.

2.The Revenue Divisional Officer,
Illuppur,
Pudukkottai District.

3.The Tahsildar,
Illuppur Taluk,
Pudukkottai District.

4.Manian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first and second respondents to cancel the patta bearing No.5425 issued in favour of the fourth respondent and consequently direct the third respondent to include Survey No.511/1B of Sithuppatti Village, Illuppur Taluk, Pudukkottai District in Patta No.342 by considering the petitioner's representation dated 02.01.2018 within a time stipulated.

For Petitioner	: Mr.K.Baalasundharam
For Respondents	: Mr.M.Pandiya Rajan
1 to 3	Additional Government Pleader
For Respondent 4	: Mr.P.R.Prithivi Raj

ORDER

This writ petition is filed, seeking issuance of Writ of Mandamus directing the first and second respondents to cancel the patta bearing No.5425 issued in favour of the fourth respondent and consequently direct the third respondent to include Survey No.511/1B situated at Sithuppatti Village, Illuppur Taluk, Pudukkottai District in Patta No.342 by considering the petitioner's representation dated 02.01.2018 within a time stipulated.

2.Heard the learned Counsel appearing for the petitioner,
<https://hservices.education.gov.in/services> Mr.M.Pandiya Rajan, learned Additional Government Pleader



appearing for the respondents 1 to 3 and Mr.P.R.Prithivi Raj, learned Counsel appearing for the fourth respondent.

3.It is represented by the learned counsel appearing for the petitioner that the property comprised in S.F.Nos.511/1B and 511/1E situated at Sithupatti Village, Illuppur Taluk, Pudukkottai District originally belonged to one Subramanian Chettiar and the same was assigned to the petitioner by the Assistant Commissioner of Land Reforms, Trichy, under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. The land in S.F.No.90/3 is also the ancestral property of the petitioner. In pursuance of the said assignment, a patta bearing No.342 was granted in favour of the petitioner in respect of the land in S.F.No.511/1B, 511/1E and 90/3. While so, a patta bearing No.5425 was issued in favour of one Manian, son of Adaikkan, fourth respondent herein, in respect of S.F.No.511/1B without any notice to the petitioner. Therefore, the petitioner approached the third respondent to cancel the patta wrongly issued in favour of the fourth respondent. As there was no response from the third respondent, the petitioner approached the respondents 1 and 2 by way of representation dated 02.01.2018. Even thereafter, as there was no response from the respondents 1 and 2, the petitioner has come forward with the present Writ Petition.

4.The learned Counsel appearing for the fourth respondent would submit that the property measuring to an extent of 1.50 acres in S.F.No.511/1B was allotted to one Karuppiyah from whom the fourth respondent had purchased the same. He would further submit that during UDR proceedings, the said land in respect of S.F.No.511/1B was erroneously entered in the name of the writ petitioner in Patta No.342 and the same was rectified after the execution of Consent Deed by the petitioner on 09.12.1999. Thereafter, on 02.11.2010 also the petitioner had executed another Consent Deed as like that of the earlier deed dated 01.12.1999. Therefore, the petitioner cannot contend that the fourth respondent has forged the document and got patta by erroneously entering the said S.F.No.511/1B in patta No.5425.

5.The learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Counsel appearing on either party would submit that the matter is pending before the Revenue Divisional Officer/second respondent herein.

6.Considering the facts and circumstances of the case, this Court is not inclined to grant the relief sought for as such. However, as the matter is pending before the second respondent, this Court direct the second respondent to enquire the matter in detail and pass appropriate orders in accordance with law within a period of 60 days from the date of receipt of a copy of this



order, after verifying the revenue records and after affording opportunity of hearing to the petitioner and the fourth respondent.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM

To

1. The District Collector,
Pudukkottai District.

2. The Revenue Divisional Officer,
Illuppur,
Pudukkottai District.

3. The Tahsildar,
Illuppur Taluk,
Pudukkottai District.

+1 cc to The Special Government Pleader Sr.No.24896

W.P.(MD)No.5655 of 2018

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