



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.6760 of 2020
and
W.M.P.No.8042 of 2020

G.Rajee

...Petitioner

Versus

1. The District Collector,
Villupuram, Villupuram District.
2. The District Revenue Officer,
Villupuram, Villupuram District.
3. The Sub Collector,
Kallakurichi Town & Taluk.
4. The Tashildar,
Sankarapuram Town and Taluk.
5. The Village Administrative Officer,
Paramanatham Village, Sankarapuram Taluk.
6. Ayyamperumal
7. Natarajan
8. Thangarasu

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the names of the respondents 6 to 8 in the Patta No.299 and to restore the Patta in the name of the petitioner's brother namely Mancikam in respect of the land situated in A.Pu.Sa.72/2B, Kallerikuppam Village, Sankarapuram Taluk, Kallakurichi District by considering the petitioner's representation dated 27.01.2020.

For Petitioner : Mr.P.Valliappan

For RR 1 to 5 : Mr.V.Veluchamy
Government Advocate



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, direction to the respondents 1 to 5 to remove the names of the respondents 6 to 8 in the Patta No.299 and to restore the Patta in the name of the petitioner's brother Mancikam in respect of the land situated in A.Pu.Sa.72/2B, Kallerikuppam Village, Sankarapuram Taluk, Kallakurichi District by considering the petitioner's representation dated 27.01.2020.

2. The case of the petitioner is that he was purchased a property comprised in A.Pu.Sa.72/2B measuring to an extent of 13 cents out of the larger extent of 25 cents situated at Kallerikuppam Village, Sankarapuram Taluk, Kallakurichi District, from his brother namely Manickam by way of a registered Sale Deed, dated 04.08.1993 vide Document No.1823 of 1993. Subsequently, the remaining 12 cents belonged to one Ramasamy Gounder, the petitioner and his brother Manickam were issued Joint Patta No.299. Since his brother Mr.Manickam is working in abroad and he has given him Authority to take care of his lands. While that being so, he lesrnt that the respondents 6 to 8, who have no right whatsoever in the subject land were included as Joint Pattadars in Patta No.299. Since the respondents 6 to 8 who are not in any way connected with the subject land have managed to obtain a Patta behind his back in respect of the land that belongs exclusively to his brother Manickam. He was not put on notice before the Revenue Records were mutated. The respondents 6 to 8 have no documents to substantiate the inclusion of their names in the patta. Taking advantage of the inclusion of their names in the patta, the respondents 6 to 8 are attempting to create encumbrances over the above said property. Therefore, he had sent a representation dated 27.01.2020 to the respondents 1 to 5 seeking removal of the names of the respondents 6 to 8 in the joint patta No.299, and to restore the Patta to the names of his brother Manickam and that of the co-owner alone. After receiving such representation, the respondents 1 to 5 have not considered the same so far. Therefore, the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents 1 to 5 to consider the petitioner's representation dated 27.01.2020 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without



expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents 1 to 5 to consider the petitioner's representation dated 27.01.2020 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and necessary parties within a period of four months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

gba

To

1. The District Collector,
Villupuram, Villupuram District.
2. The District Revenue Officer,
Villupuram, Villupuram District.
3. The Sub Collector,
Kallakurichi Town & Taluk.
4. The Tashildar, Sankarapuram.
5. The Village Administrative Officer,
Paramanathann Village, Sankarapuram Taluk.

+1cc to Mr.P.Valliappan, Advocate, S.R.No.49849

W.P.No.6760 of 2020

KK(CO)
CB(02/11/2021)