

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.10946 of 2021

Anbazhagan

...

Petitioner

Vs

1. The District Collector,
Nagapattinam,

2. The Thasildar,
Vedaranyam Taluk,
Nagapattinam.

3. Amirthavalli

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to hold a full fledged enquiry and to consider the objection submitted by the petitioner before effecting change of patta on the representation submitted by the 3rd respondent strictly as per the law by providing sufficient opportunity to the petitioner and consider petitioner's objection and pass orders as per the documents and evidences placed before the respondents 1 and 2.

For petitioner

... Mr.V. Ramamurthy

For respondents

... Mr. K. Bhuvaneswari,
Addl. Gov. Pleader
for R1 & R2

ORDER

This writ petition has been filed seeking a direction to the second respondent to consider the petitioner's objection before effecting change of patta on the representation filed by the 3rd respondent.

2. According to the petitioner, the petitioner is having 3/4 share in Survey No.344/7, Subramaniyankaddu Village, Nagapattinam District. Earlier, the petitioner has filed a suit in O.S.No.229 of 2004 for declaration in respect of entire extent on the file of the District Munsif Court, Nagapattinam,

wherein, the trial Court has clearly held that the petitioner is having 3/4 share in S.No.344/7 and the appeal filed by the petitioner in AS.No.4 of 2008 on the file of the Sub Court, Nagapattinam against the said judgment and decree passed in O.S.229 of 2004 was dismissed., wherein, the Sub Court, has held that the petitioner and his brother are having 3/4 share , however, they are not able to prove the extent of the property they are entitled in S.No.344/7 or S.No.344/7-A. In the meantime, the 3rd respondent, who is the defendant in the said suit filed an application before the second respondent seeking patta in respect of the land in Survey No.344/7A and notice was also issued to the petitioner. He appeared for enquiry. But, the 2nd respondent without considering the objection raised by the petitioner, proceeding with the enquiry and likely to pass order. Hence, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2

4. The petitioner is only seeking to consider his objection while considering the application filed by the third respondent seeking patta, in which, notice was also issued to the petitioner for enquiry and the petitioner has also raised his objection before the second respondent.

5. In the said circumstances, the second respondent is directed to conduct enquiry and pass suitable orders on merits and in accordance with law, after hearing the petitioner as well as the third respondent here and also considering the objection filed by the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

mrp

To

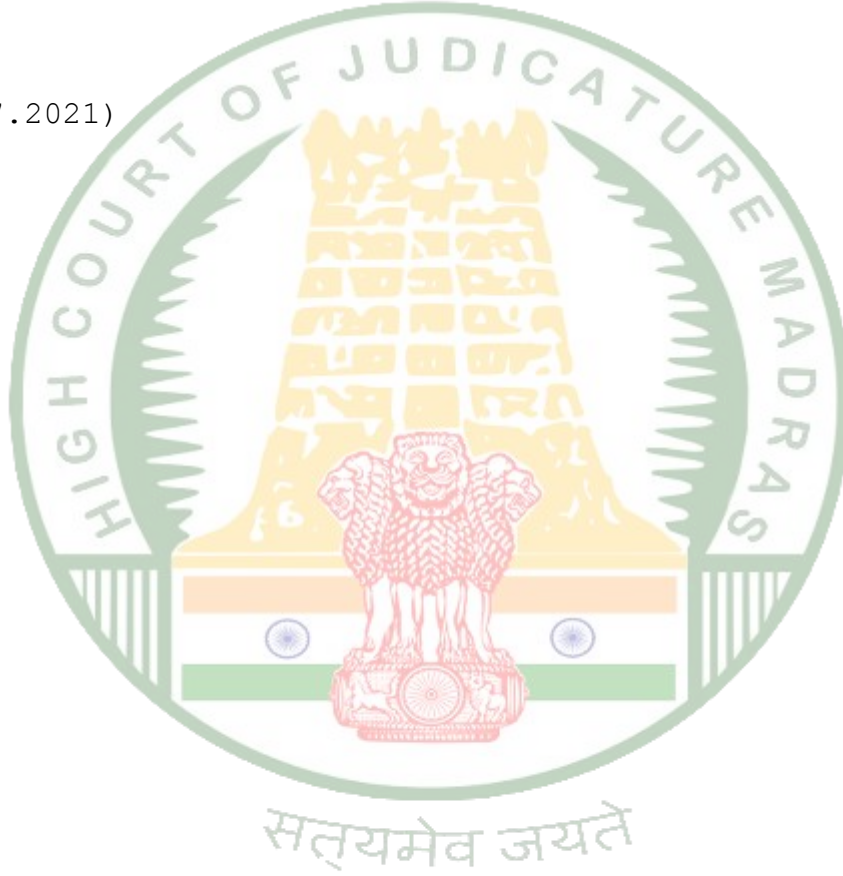
1. The District Collector,
Nagapattinam,
2. The Thasildar,
Vedaranyam Taluk,
Nagapattinam.

+lcc to Government Pleader SR.No.27073

W.P. No.10946 of 2021

SVI (CO)

GMV (12.07.2021)



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