



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.12400 of 2021

K. Suresh.

... Petitioner

Versus

1. The District Collector,
Collectorate Sathuvachari,
Vellore - 632 012.
2. The Revenue Divisional Officer,
Revenue Divisional Office.
Block-A, 2nd floor,
Sathuvachari, Vellore-632 012.
3. The Tahsildhar,
Anicut Division,
Vellore District - 632 101.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to cancel the Patta wrongly issued in favour of 12 persons for survey No.60/6 in Tholapalli Village, Anicut Taluk, Vellore District after considering the petitioner representation dated 27.11.2020.

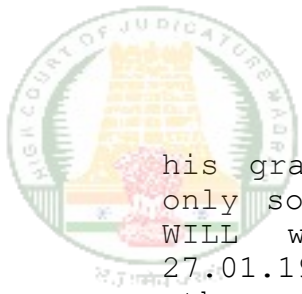
For Petitioner : Mr.K.Balasubramaniam.

For Respondents : Mr.K.M.D. Muhilan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 3rd respondent to cancel the Patta wrongly issued in favour of 13 persons in Survey No.60/6, Tholapalli Village, Anicut Taluk, Vellore District, after considering the petitioner's representation dated 27.11.2020.

2. According to the petitioner, the property was purchased by his grandmother in Survey No.60/6 situated in Tholapalli Village, Anicut Taluk, Vellore District, measuring to an extent of 96 cents by way of registered a settlement deed No.676/1930 and Patta No.298 was also issued in favour of



his grandmother. After the demise of his grandmother, her only son deceased Duraisamy succeeded her estate as per the WILL was executed by the petitioner's grandmother on 27.01.1965. Thereafter, the aforesaid property along with other properties were inherited by the petitioner's father deceased Krishnan and his brother deceased Govindan and they were in peaceful possession and enjoyment of the property. Subsequently, the petitioner's father died on 12.08.1999, leaving behind the petitioner, his mother Kuppammal, his sisters Yogavathi and Hemalatha and his parental uncle Govindan to succeed over the property. Thereafter, the petitioner has obtained a Joint Patta No.298 in their names and they are in possession and enjoyment of the property by paying all the statutory taxes for the aforesaid property. In the meanwhile, the petitioner has filed a writ petition in W.P.No.43173 of 2016 seeking for a direction to the second respondent/Sub Registrar therein to measure property of the petitioner in Tholapalli Vilalge, Ambur Taluk, Vellore District, comprised in Punjai Land Survey No.60/5.3 acres and 25 cents and Survey No.60/6 as per the village records and the same was disposed of by order dated 02.02.2017. In pursuant to the order passed by this Court, the 3rd respondent/Sub Registrar therein measured the property comprised in Survey No.60/6 as per the village records and gave a report vide his proceedings in Mu.Mu.A3.1301/2017, dated 02.11.2017. While that being so, when the petitioner verified through online about the same, it was found that another Patta No.298 was also issued in Survey No.60/6 in favour of (i) Kannan Mandhiri (ii) Subramani's wife Kasthuri, (iii) Senthamarai, (iv) M.Ramasamy, (v) Venu Mandhiri's son V.Abiraman, (vi) Venu Mandri, (vii) Chinnapa Mandiri, (viii) R.Chinnappan, (ix) Munirathinam (x) C.Kulla Mandhiri (xi) M.Naga Naidu (xii) M.Ranga Mandiri and (xiii) Saraswathi for the above said property. However, the petitioner made a representation before the 3rd respondent/Tahsildar, dated 27.11.2020 to cancel the Patta which was wrongly issued in favour of the aforesaid 13 persons in respect of the property in Survey No.60/6, Tholapalli Village, Anicut Taluk, Vellore District, but no action has been taken on the petitioner's representation by the 3rd respondent. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 3rd respondent to consider the petitioner's representation dated 27.11.2020 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 3rd respondent to consider the petitioner's representation dated 27.11.2020 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity to the petitioner within a period of five months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

gba

To

1. The District Collector,
Collectorate Sathuvachari,
Vellore - 632 012.
2. The Revenue Division Officer,
Revenue Divisional Office.
Block-A, 2nd floor,
Sathuvachari, Vellore-632 012.
3. The Tahsildhar,
Anaicut Division,
Vellore District - 632 101.

W.P.No.12400 of 2021

KG(CO)
GMY(25/10/2021)