



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2021

CORAM:

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No. 16481 of 2021

C. Manikandan

...Petitioner

Versus

1. The District Collector,
Tiruvarur District,
Tiruvarur.

2. The Revenue Divisional Officer,
Mannargudi,
Tiruvarur District.

3. The Tahsildar,
Thiruthuraipoondi Taluk,
Tiruvarur District.

4. Annadurai

5. Pooveshkumar

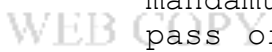
...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent herein to consider and pass orders on the petitioner's representation dated 07.02.2020 submitted to cancel the Patta issued in favour of 4th and 5th respondents herein for the property bearing R.S.No.232/18 (Old Survey No.232/8B,8B1B), Plot to an extent of 0.03.43 ares, 343 Sq.mt situated at Nagapattinam Registration District, Tiruthuraipoondi Sub-Registration District, Thiruthuraipoondi Taluk, Deevammapuram Revenue Village, Varambyam Panchayat Limit, Vittukatti Village, Tiruvarur District.

For Petitioner : Mr. S.Senthil Kumar
for S.Nagarajan

For Respondents : Mr.Yogesh Kannadasan
1-3 Government Advocate

4&5 : Mr.M.Vijayaraghavan



O R D E R

This writ petition is filed for the issuance of a writ of mandamus, directing the 2nd respondent herein to consider and pass orders on the petitioner's representation dated 07.02.2020 submitted to cancel the Patta issued in favour of 4th and 5th respondents herein for the property bearing R.S.No.232/18 (Old Survey No.232/8B,8B1B), Plot to an extent of 0.03.43 ares, 343 Sq.mt situated at Nagapattinam Registration District, Tiruthuraipoondi Sub-Registration District, Thiruthuraipoondi Taluk, Deevammapuram Revenue Village, Varambyam Panchayat Limit, Vittukatti Village, Tiruvarur District.

2. The case of the petitioner is that the petitioner's father Chelladurai and his father's brother Annadurai, the 4th respondent, have jointly purchased the property in S.R.No.232/7 to an extent of 0.07 cent, S.R.No.232/8B to an extent of 0.10 cent (totally 17 cents) situated at Vittukatti Village, Deevammapuram Revenue Village, Vittukatti Village, Thiruthuraipoondi Taluk, Tiruvarur District, from one Rajagopal on 02.07.1986, by way of Registered sale deed registered as Document No.1117 of 1986 registered at the office of the Sub-Registrar, Thiruthuraipoondi and the total extent comes to 51 Khuzhi. Later, on 17.03.1989 both his father Chelladurai and his father's brother Annadurai sold an extent of 4 2/3 cent in S.R.No.231/7B to Shanmuga Konar by way of registered sale deed bearing document No.393 of 1989 for the purpose of constructing house for the 4th respondent. Further, on the same day i.e.17.03.1989, both Chelladurai and Annadurai, sold an extent of 2 cents in S.R.No.231/7B and 1 2/3 in S.R.No.232/8B totally an extent of 3 2/3 cent to Arjunan by way of registered sale deed bearing Document No.391 of 1989 for the construction of house for Chelladurai. Out of the total extent of 51 Kzuzhi, both in S.R.231/7B and 232/8B, after deducting the sold portion of an extent of 25 Khuzhi, remaining 26 Khuzhi is in common possession and enjoyment of both Chelladurai and Annadurai as Co-owners and out of the 26 Khuzhi, the petitioner's father Chelladurai is entitled to 13 Khuzhi in S.R.No.232/8B and Annadurai, the 4th respondent, is entitled to 13 Khuzhi.

3. Later, the petitioner's father Chelladurai died on 16.09.2008. The 4th respondent took advantage of his father's death and with view to misappropriate the property belongs to the petitioner and with the intention to grab the same, the fourth respondent maneuvered and got patta by hook and crook method from the 2nd respondent for the entire extent of 26 Kuzhi. Further, the said patta has been settled to Pooveshkumar, the 5th



respondent and the son of the said Annadurai, by way of registered settlement deed dated 21.11.2019. Based on this settlement deed he obtained patta. Therefore, the petitioner submitted a representation to the 2nd respondent herein to cancel the patta issued to the 4th and 5th respondent by the 3rd respondent herein, as the same was obtained illegally by misrepresentation with an intention to misappropriate the land illegally belonging to the petitioner. The 2nd respondent directed the 3rd respondent to submit a report in this regard on 17.02.2020. Further, the 3rd respondent directed the Firka Surveyor on 06.03.2020 to conduct spot inspection and asked to file a report. Since the report was not received from the 3rd respondent, the 2nd respondent sent several remainders to the 3rd respondent on 19.06.2020, 03.08.2020 and 19.08.2020 and thereafter, it seems the report has been sent by the 3rd respondent to the 2nd respondent and thereafter the 2nd respondent sent three notices calling upon the petitioner to appear before him on 24.12.2020, 21.01.2021 and 09.06.2021 for enquiry and the petitioner duly appeared for enquiry before the 2nd respondent, on all the dates but no orders have been passed by the 2nd respondent with respect to the representation of the petitioner dated 07.02.2020. Further, the application submitted by petitioner was kept in cold storage without bestowing attention to it. The petitioner also made written and oral representation on many occasions to respondents 1 to 3 requesting to cancel the patta issued in the name of respondents 4 and 5. Till date his request has not been considered. Hence the petitioner approached this Court by way of filing this writ petition, seeking direction to direct the 2nd respondent to consider and pass order on his representation dated 07.02.2020 and also to cancel the patta issued in favour of 4th and 5th respondents.

4. Learned Government Advocate appearing for the respondents submitted that the report of the third respondent was sent to the second respondent on 30.11.2020, and the petitioner, fourth and fifth respondents have been enquired by the second respondent and final orders are awaited. Hence, he seeks time for passing appropriate orders.

5. In view of the submission made by the learned Government Advocate, since enquiry was already conducted, the second respondent is directed to pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



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

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tiruvarur District,
Tiruvarur.
2. The Revenue Divisional Officer,
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Tiruvarur District.
3. The Tahsildar,
Thiruthuraipoondi Taluk,
Tiruvarur District.

+1cc to Mr.M.Vijayaraghavan, Advocate, S.R.No.44988
+1cc to the Government Pleader, S.R.No.45229

W.P. No. 16481 of 2021

RLD[co]
NSK 09/11/2021