



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.21152 of 2021 and
WMP.No.22446 of 2021

M.D.Senthilkumar
Rep. by its power of attorney agent
K.Thangaraj

...Petitioner

Vs

1. The Revenue Divisional Officer,
District Collector Office Campus,
Salem,
Salem District
2. The Tashildar,
Valapadi Taluk,
Salem District
3. The Commissioner,
Ayothiyapattinam Union Office,
Salem,
Salem District
4. The President,
Masinaickenpatty Panchayat,
Salem,
Salem District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to cancel the patta issued by the second respondent in favour of the third respondent herein and transfer the patta to the petitioner name by considering the representation of the petitioner dated 01.06.2018 in accordance with law.

For Petitioner : Mr.M.Prabhakar

For Respondents

For R1 to 3 : Mr.A.Selvendran,
Special Government Pleader



ORDER

This writ petition is filed to issue a Writ of Mandamus directing the first respondent to cancel the patta issued by the second respondent in favour of the third respondent herein and transfer the patta to the petitioner name by considering the representation of the petitioner dated 01.06.2018.

2. The case of the petitioner is that the petitioner purchased the property comprised in survey No.102 admeasuring 42516 ½ sq.ft. situated at Masinaickenpatti Village, Valapadi Taluk, Salem District by the registered sale deed dated 31.01.1996 vide document No.107 of 1996 from one A.A.Athappan. On the strength of the said sale deed, the petitioner was issued patta in patta no.1008 for the subject property. As per the said patta, the petitioner is in possession and enjoyment of the same. However, for the very same land, patta was subsequently issued in favour of third respondent, that too, without any notice to the petitioner and without conducting any enquiry. Therefore, the petitioner filed appeal before the first respondent to cancel the patta issued in favour of the third respondent. On receipt of the same, the first respondent issued notice for enquiry to be conducted on 15.10.2018. On receipt of the same, the petitioner appeared and thereafter the first respondent did not pass any order even till today.

3. Considering the above, the first respondent is directed to issue fresh notice to the petitioner as well as the third respondent and, after giving them opportunity of hearing, pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order, if not already passed any order.

4. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

lok

To

1. The Revenue Divisional Officer,
District Collector Office Campus,
Salem,
Salem District.



2. The Tashildar,
Valapadi Taluk,
Salem District.

3. The Commissioner,
Ayothiyapattinam Union Office,
Salem,
Salem District.

4. The President,
Masinaickenpatty Panchayat,
Salem,
Salem District.

+2ccs to Mr.M.Prabhakar, Advocate SR. No.58450
+1cc to Government Pleader SR. No.59013

WP.No.21152 of 2021

PCH (CO)
PR (02/12/2021)