



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.6048 of 2021

WEB COPY

Maamallan Tha.Kanagamuthu

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The District Revenue Officer,
Theni District,
Theni.

3.The Sub Collector and Sub Divisional Magistrate,
Periyakulam, Theni District.

4.The Tahsildar,
Theni Taluk Office, Theni District.

5.The Deputy Superintendent of Police,
Bodi Circle, Theni District.

6.The Inspector of Police,
Chinamanur Police Station,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to cancel the patta and revoke section 145 of Cr.P.C proceedings in M.C:260/2020/A4 dated 13.11.2020 in light of order passed by 2nd respondent in Na.Ka.No.14901/2020/D4 dated 08.12.2020 consequently direct the 3rd and 4th respondents to restore the earlier Patta No.658, 659, 668 bearing in Survey Nos.145, 146, 157, 158 and 159 and which is the total extent as 21 Acres 78 Cents and which is situated at Seelayampatti Village, Theni Taluk, Theni District in the name of Ka.Pusari Kudumban and Ka.Kandhak Kudumban and direct respondents to evict the illegal encroachers in the said land within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.A.D.Ganeshamoorthy

For Respondents : Mr.P.Subbaraj,
Counsel for State.



ORDER

The petitioner seeks the cancellation of patta issued in favour of various third parties and for the restoration of the earlier pattas in respect of a total extent of 21 Acres 78 Cents at Seelayampatti Village, Theni Taluk, Theni District.

2. The petitioner states that the above mentioned lands were originally assigned in favour of his grandfathers. It is alleged that such lands were unlawfully transferred on the basis of a forged patta. Accordingly, the petitioner initiated proceedings for the cancellation of patta. The petitioner relies upon the order issued by the District Revenue Officer, whereby the Revenue Divisional Officer was directed to take necessary action in relation to the petitioner's request for cancellation of patta. The petitioner has also carried a representation to the Revenue Divisional Officer on 20.01.2021.

3. Mr.P.Subbaraj, learned counsel for the State, appears on behalf of all the respondents. He submits that the Revenue Divisional Officer may be directed to consider the petitioner's representation and dispose of the same on merits.

4. Given the limited scope of the present Writ Petition, it is not necessary to enter findings on the merits thereof.

5. Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 20.01.2021 and dispose of the same by a reasoned order after taking into consideration the order of the District Revenue Officer dated 08.12.2020. Such reasoned order shall be issued after providing a reasonable opportunity to the petitioner and the rival claimants to the property. Such reasoned order shall be issued within a period of four (4) months from the date of receipt of a copy of this order.

6. Accordingly, W.P.(MD).No.6048 of 2021 is disposed of on these terms without any order as to costs.

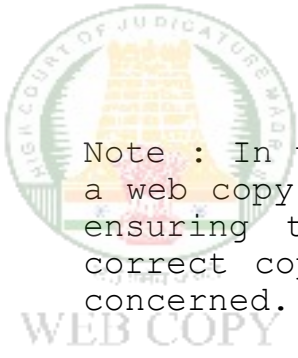
Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Theni District,
Theni.
- 2.The District Revenue Officer,
Theni District,
Theni.
- 3.The Sub Collector and Sub Divisional Magistrate,
Periyakulam, Theni District.
- 4.The Tahsildar,
Theni Taluk Office, Theni District.
- 5.The Deputy Superintendent of Police,
Bodi Circle, Theni District.
- 6.The Inspector of Police,
Chinamanur Police Station,
Theni District.

+1 CC to M/s.A.D.GANESHAMOORTHY, Advocate (SR-28311[F] dated 07/09/2021)

W.P (MD) No. 6048 of 2021
03.09.2021

RK (15.09.2021) 3P 8C