



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P (MD)No.8583 of 2021

WEB COPY

Sivanammal ... Petitioner
versus

1. The Revenue Divisional Officer,
Palani,
Dindigul District.

2. The Tahsildar,
Vedasanthur Taluk,
Vedasanthur,
Dindigul District.

3. Kangammal ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 2nd respondent herein to cancel the patta on the name of the 3rd respondent herein and issue the patta to the petitioner and her sister's name with regard to the property in Survey No.453/1 and 460/1 situated Ayyalur Village, Vedasandur Taluk, Dindigul District, based on the petitioner's representation dated 14.10.2020.

For Petitioner : Mr.G.Gomathi Sankar

For R1 and R2 : Mr.M.Lingadurai
Government Advocate (Civil)

For R3 : No appearance

ORDER

This writ petition has been filed for the issue of writ of mandamus, directing the 2nd respondent to consider the representation made by the petitioner on 14.10.2020, wherein, she seeks for cancellation of patta granted in the name of the 3rd respondent and for issuance of patta in her name with respect of the subject property.

2. The case of the petitioner is that the subject property was purchased by her mother through a registered sale deed dated 14.09.1978. After the demise of her mother, the petitioner claims to have the right over the property along with her sisters.



3. The grievance of the petitioner is that the 3rd respondent created documents and obtained a patta in her name. The petitioner made a representation to the second respondent in this regard, seeking for cancellation of patta granted in favour of the 3rd respondent and to issue patta in her name with respect to the subject property. Since the same was not considered, the present writ petition has been filed before this Court for seeking for appropriate directions.

4. Heard Mr.G.Gomathi Sankar, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 and 2. Notice has been served on the 3rd respondent and her name has also been printed in the cause list and there is no appearance for the 3rd respondent.

5. In the considered view of this Court, the petitioner seeks cancellation of patta granted in favour of the 3rd respondent. Therefore, the petitioner has to necessarily make a representation before the first respondent and work out her remedy.

6. In view of the above, the petitioner is permitted to make a fresh representation to the first respondent and the first respondent, on receipt of the same, shall conduct an enquiry, after affording opportunity to the petitioner and the 3rd respondent and deal with the same, on its own merits and in accordance with law. The first respondent shall pass orders within a period of eight (8) weeks from the date of receipt of the fresh representation from the petitioner.

7. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Revenue Divisional Officer,
Palani,
Dindigul District.

2. The Tahsildar,
Vedasanthur Taluk,
Vedasanthur,
Dindigul District.

+1 CC to M/s.SPL GP (SR-19669[F] dated 18/06/2021)

+1 CC to M/s.G.GOMATHISANKAR, Advocate (SR-19701[F] dated 21/06/2021)

W.P(MD)No.8583 of 2021

17.06.2021

mj (CO)

TR(24.06.2021) 3P 5C