



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12170 of 2021

and

W.M.P (MD) No.9581 of 2021

A.Mary Santhilatha ... Petitioner

Vs.

1.The Sub-Collector,
Cheranmahadevi,
Tirunelveli - 627 414.

2.The Zonal Deputy Tahsildar,
Tahsildar Office,
Radhapuram,
Tirunelveli.

3.Muthupandy

4.Abdul Rasaak

5.S.Shahidha

6.Vedhamanikam

7.Paramasivan

8.The Managing Director,
Tamilnadu Small Industries Corporation Limited,
No.A-28, Thiru-vi-ka Indl.Estate,
Guindy, Chennai- 600 032.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd respondent to complete the enquiry relating to enquiry notice issued by the 2nd respondent, dated 26.11.2019, pertaining to cancellation of patta within a time frame as fixed by this Hon'ble Court based on the petitioner's petition, dated 04.10.2018.

For Petitioner : Mr.L.P.Maurya

For R-1 & R-2 : Mr.M.Lingadurai,
Government Advocate



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the second respondent to complete the enquiry pertaining to the cancellation of patta within the time frame fixed by this Court.

2. The case of the petitioner is that his father became the owner of the subject property by virtue of a registered sale deed, registered in the year 1961. The further case of the petitioner is that his father died intestate on 13.10.1979 leaving behind the petitioner, his mother and sisters.

3. It is stated that the petitioner came to know that patta had been issued in the name of private individuals, who have no right over the property. The petitioner made a representation on 04.10.2018 before the first respondent seeking for a direction to conduct an enquiry and to cancel the patta issued in favour of the private respondents. It is further stated that the first respondent had forwarded the representation to the second respondent and the second respondent had issued an enquiry notice in Na.Ka.No.A3/2324/2019, dated 26.11.2019.

4.The grievance of the petitioner is that the statement of the petitioner and some other private respondents have already been recorded by the second respondent and there has been absolutely no progress in the enquiry and left with no other option, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5.Heard Mr.L.P.Maurya, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 and 2.

6.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the second respondent to complete the enquiry after affording an opportunity to the petitioner and all the other interested parties and deal with the same on its own merits and in accordance with law and pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

7.The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.



8.The Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

tsg

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 Sub-Collector,
Cheranmahadevi,
Tirunelveli - 627 414.

2.The Zonal Deputy Tahsildar,
Tahsildar Office,
Radhapuram,
Tirunelveli.

+1 CC to M/s.L.P.MAURYA, Advocate (SR-23097[F] dated 19/07/2021)

+1 CC to M/s.GP (SR-23329[F] dated 20/07/2021)

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NSM(CO)

LR (30.07.2021) 3P 5C