



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P(MD)No.13683 of 2019

Chellathurai

... Petitioner

versus

1. The District Collector,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Kodaikanal.

3. The Special Tahsildar,
Natham Nilavarai Thittam,
Rajapalayam Taluk,
Rajapalayam.

4. Bakkiyam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 3 to cancel the patta No.3607 in the name of 4th respondent and issue a fresh patta to the petitioner's name, in respect of the land in Survey No.257/1, situated at Vilpatti Village, Kodaikanal Taluk, Dindigul District, within the time stipulated by this Court.

For Petitioner : Mr.B.Senthilnathan

For R1 to R3 : Mr.M.Lingadurai,
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of mandamus, directing the respondents to consider the representation made by the petitioner, wherein, the petitioner has sought for the cancellation of patta issued in the name of the 4th respondent and consequently, to issue a patta in the name of the petitioner with respect to the subject property.

2. The case of the petitioner is that the subject property was assigned in the name of the father of the petitioner through proceedings of the Special Tahsildar, dated 08.08.1985. Thereafter, assignment patta was also given in the name of the petitioner's father. The grievance of the petitioner is that the patta was



mutated in the name of the 4th respondent in Patta No.3607 and he had no right over this property. Therefore, the father of the petitioner made a representation before the 2nd respondent seeking for cancellation of patta issued in the name of the 4th respondent. The father of the petitioner expired in the year 2018 and the petitioner and other family members had inherited the property. The petitioner followed up with the second respondent to cancel the patta granted in favour of the 4th respondent. Since it did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.B.Senthilnathan, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 3. The 4th respondent has been served with notice and her name has also been printed in the cause list. However, there is no representation for the 4th respondent either in person or through his counsel.

4. Taking into consideration the facts and circumstances of the case and the relief sought for in the writ petition, there shall be a direction to the 2nd respondent to consider the claim made by the petitioner, by affording opportunity to the petitioner and the 4th respondent and any other interested parties and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. The petitioner is directed to make a fresh representation to the 2nd respondent along with all relevant documents and also a copy of this order.

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

Sd/-

Assistant Registrar (AS-II)

// 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 District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Kodaikanal.
3. The Special Tahsildar,
Natham Nilavarai Thittam,
Rajapalayam Taluk,
Rajapalayam.

+1 CC to M/s.SPL GP (SR-19940[F] dated 22/06/2021)

W.P (MD) No.13683 of 2019

21.06.2021

CN (29.06.2021) 3P 5C