



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.08.2021**

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13968 of 2021

WEB COPY

K.Senthamarai

... Petitioner

Vs.

1.The Tahsildar

Office of Tahsildar,
Manachanallur Taluk,
Trichy District.

2. D.Pushpavalli

3. D.Ravikumar

4. R.Anuradha

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the first respondent to remove the second respondent's name in Patta No.1048 and grant Patta to the petitioner for the housing site in Door No.4/52A an extent of 2 ½ Cents Maelpathu Village, Manachanallur Taluk, Trichy District by considering Petitioner's representation dated 07.07.2021, within the period stipulated by this Honourable Court.

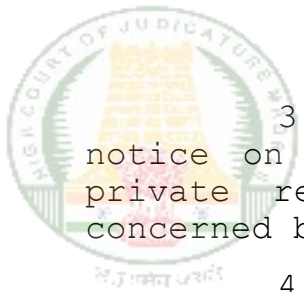
For Petitioner : Mr.A.Haja Mohideen

For Respondent No.1 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a direction for mutation of the patta by deleting the second respondent's name and instead issuing a patta to the petitioner.

2.The petitioner traces her title to 2-1/2 cents in Door No.4/52A , Maelpathu Village, Manachanallur Taluk, Trichy District on the basis of her representation dated 07.07.2021. The petitioner states that her grandmother executed a Will on 14.06.2014 whereby 33 cents of land, including the aforesaid 2-1/2 cents, was bequeathed to the petitioner's brothers and to her. The petitioner refers to the property tax receipt in the name of her grandmother. It is alleged that the respondents 2 to 4 have attempted to interfere with the petitioner's possession of the property bearing Door No.4/52A. In these circumstances the petitioner submitted a representation on 07.07.2021 requesting the first respondent to cancel the patta issued to the second respondent herein and for issuance of patta in the petitioner's name.



3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent. He submits that the private respondents would have to be heard by the authority concerned before taking a decision in the matter.

4.The facts on record clearly indicate that there is a dispute between the petitioner, on the one hand, and respondents 2, 3 and 4 on the other. It is also evident that a patta was issued in favour of the second respondent. The authority to consider an application for cancellation of patta is vested in the jurisdictional Revenue Divisional Officer. In the present case, the petitioner has not joined the Revenue Divisional Officer as a party or submitted a representation to such authority.

5.Accordingly, without going into the merits of the matter, the petitioner is granted leave to submit a fresh representation to the jurisdictional Revenue Divisional Officer seeking cancellation of the patta issued to the second respondent herein. Such representation shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the Revenue Divisional Officer is directed to consider such representation and dispose of the same in accordance with law after providing a reasonable opportunity to the petitioner, respondents 2 to 4 herein and any other persons who would be affected by such decision. On account of the fact that the merits of the matter have not been examined and because the Revenue Divisional Officer has been directed to hear the private respondents before taking a decision, the writ petition is disposed of without notice to the said private respondents. W.P.(MD) No.13968 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (T&P)

// 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 Tahsildar
Office of Tahsildar,
Manachanallur Taluk,
Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Revenue Divisional Officer,
Manachanallur Taluk,
Trichy District.

+1 CC to M/s.GP (SR-26045[F] dated 12/08/2021)

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