



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12870 of 2021

Ramachandran

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Thirumangalam Revenue Division,
Thirumangalam-625 706.

2.The Tahsildar,
Thiruparankundram Taluk, Thirunagar,Madurai.

3.Subbammal ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the revision filed by the petitioner dated 16.02.2021 for the cancellation of Patta No.268, dated 09.11.2020 in favour of the third respondent and consequently directing the second respondent to issue a patta in favour of the petitioner in Survey No.20/1F, Soorakulam Village, Thiruparankundram Taluk, Madurai District.

For Petitioner

: Mr.K.K.Kannan

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 first respondent to dispose of the appeal filed by the petitioner on 16.02.2021, wherein, the petitioner is seeking for the cancellation of patta issued in favour of the third respondent and for issuance of patta in the name of the petitioner with respect to the subject property.

2.The case of the petitioner is that he became the owner of the subject property by virtue of a registered sale deed, dated 29.10.2019. According to the petitioner, the patta stood in the name of the previous owner of the property. It is stated that the petitioner made a representation for issuance of patta in his name and at that point of time, the petitioner found that the second respondent had issued a patta in favour of the third respondent with respect to the subject property. The specific case of the petitioner is that the third respondent has absolutely no right or title over the property and the patta has been illegally transferred in the name of the third respondent. The petitioner therefore, filed an appeal before the first respondent on 16.02.2021. Since the same was not acted upon by the first respondent, the present writ petition has been filed before this Court, seeking for appropriate directions.



3.Heard Mr.K.K.Kannan, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate for the respondents 1 and 2.

4.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 first respondent to conduct an enquiry in the appeal filed by the petitioner on 16.02.2021 on its own merits and in accordance with law, after affording opportunity to the petitioner and the third respondent and pass final orders, within a period of six weeks from the date of receipt of a copy of this order.

5.The petitioner is directed to make a fresh representation to the first respondent along with all the 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 (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,
Thirumangalam Revenue Division,
Thirumangalam-625 706.

2.The Tahsildar,
Thiruparankundram Taluk, Thirunagar,Madurai.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-24262[F] dated 29/07/2021)

+1 CC to M/s.SPL GP (SR-24716[F] dated 30/07/2021)

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RD(11.08.2021) 2P 5C