



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD).No.13289 of 2021

Subbu Lakshmi

... Petitioner

Vs

1.The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai District.

2.The Thasildhar,
Thiruppuvanam Taluk,
Sivagangai District.

3.The Revenue Inspector,
Thiruppuvanam Taluk,
Sivagangai District.

4.The Village Administrative Officer,
Kalukerkadai Group,
Thiruppuvanam Taluk,
Sivagangai District.

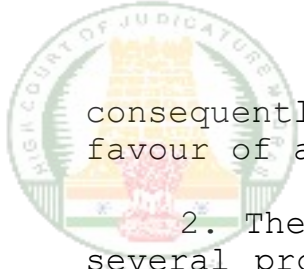
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to cancel the illegal patta for the lands in S.No.136/1,2,3,7,8,9,10A, 10B, 10C, S.No.137/1 of Thattankulam Village and lands in S.No.154/4A, 4B, 4C, 4D, S.No.154/5A, 5B, S.No.157/3B, S.No.158/6, S.No.158/7A, 7B, S.No.159/2A, 2B, 3BA, S.No.160/2, S.No.168/7A, of Kalukerkadai Village, Thiruppuvanam Taluk, Sivagangai District and consequently direct the second respondent to issue joint patta in favour of the legal heirs of the petitioner's father Alagarsamy, based on the petitioner's representation dated 09.07.2021 within the stipulated time.

For Petitioner : Mr.Arumugam.P
For Respondents : Mr.P.Subbaraj,
Counsel for State

ORDER

The petitioner seeks cancellation of patta issued in respect of specific Survey Numbers in Thattankulam Village and Kalukerkadai Village, Thiruppuvanam Taluk, Sivagangai District and to



consequently issue a joint patta in respect of such properties in favour of all the legal heirs of her father.

2. The petitioner states that her father, Alagarsamy, who owned several properties and died intestate on 18.11.1989, is survived by several legal heirs, including the petitioner. With regard to lands in Survey No.127/1A of Angadimangalam Bit-II Village, Madurai East Taluk, Madurai, it is stated that the patta issued illegally in favour of the petitioner's brothers was cancelled, pursuant to an order dated 20.08.2014 in W.P.(MD).No.12471 of 2014 and a new patta was issued jointly in the names of all the legal heirs.

3. On the other hand, the petitioner states that the illegal pattas issued in the names of her brothers in respect of properties at Thattankulam Village and Kalukerkadai Village, have not been cancelled inspite of submitting a representation dated 09.07.2021 to respondents 1 to 4 herein. The present writ petition has been filed in the said facts and circumstances.

4. Mr.R.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He states that disputed questions of fact are involved and that the patta issued in favour of the petitioner's brothers cannot be cancelled in these proceedings.

5. The documents on record disclose that pattas have been issued in respect of several properties in favour of the petitioner's brothers. Although the petitioner relies upon the joint patta No.793 which was issued in respect of the property at Survey No.127/1(A) Angadimangalam Bit II Village, Madurai East Taluk, Madurai District, the relief prayed for by the petitioner cannot be granted merely because a joint patta was issued in respect of another property.

6. Ordinarily, in the exercise of extraordinary jurisdiction under Article 226 of the Constitution, this Court does not determine cases involving disputed questions of fact because such matters cannot be conveniently addressed by way of affidavit evidence.

7. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the representation dated 09.07.2021 of the petitioner, conduct an inquiry in respect thereof by providing a reasonable opportunity to the petitioner and the pattas holder in respect of each property. Such inquiry shall be concluded by a reasoned order, which shall be passed within a period of three months from the date of receipt of a copy of this order.



8. W.P.(MD).No.13289 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (P&A)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

To:

- 1.The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai District.
- 2.The Thasildhar,
Thiruppuvanam Taluk,
Sivagangai District.
- 3.The Revenue Inspector,
Thiruppuvanam Taluk,
Sivagangai District.
- 4.The Village Administrative Officer,
Kalukerkadai Group,
Thiruppuvanam Taluk,
Sivagangai District.

+1 CC to M/s.GP (SR-25077[F] dated 03/08/2021)

+1 CC to M/s.P.ARUMUGAM, Advocate (SR-25254[F] dated 04/08/2021)

W.P. (MD).No.13289 of 2021
02.08.2021

CM(CO)

KB(11.08.2021) 3P 7C