



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.13919 of 2021

M.Chinnathambi

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Dindigul District.

2. The Thasildar,
Tahsildar Officer, Aathur Taluka,
Dindigul District.

3. Selvaraj @ Selvam

4. Balakrishnan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to complete the enquiry to cancel the Patta No.4100 in the name of respondents 3 and 4 for lands in Survey No.70/2 and convert the same to Survey Nos.70/4 and 70/6 in Chitharaevu, Aathur Taluk, Dindigul District as per the sale deed dated 15.05.1947 and grant patta in the petitioner's name by considering his representation dated 16.08.219, within the period stipulated by this Court.

For Petitioner : Mr.Haja Mohideen

For Respondents : Mr.P.Subbaraj,

Counsel for State for R1 and R2

O R D E R

The petitioner seeks cancellation of Patta No.4100 in the name of the respondents 3 and 4 in respect of the land bearing Survey No.70/2 and for the grant of patta in the petitioner's name.

2. The petitioner states that he inherited the property from his maternal grandfather. It is also stated that the respondents 3 and 4 herein unlawfully obtained Patta No.4100 in respect of Survey No.70/2 and that the petitioner submitted a representation on 16.08.2019 for the cancellation of such patta. Since no action was taken thereon, it is stated that a fresh representation was submitted on 12.12.2020.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He points out that there is no evidence that the representation dated 12.12.2020 was actually despatched to the first respondent or received by such respondent.



4. In view of the submission of a representation dated 16.08.2019 and the filing of a copy of such representation with the despatch receipt, it is sufficient if the first respondent is directed to consider and dispose of such representation on merits. Nevertheless, since it is unclear whether such representation was received by the first respondent or not, the petitioner should enclose a copy of the representation along with a copy of the order passed in the present writ petition while seeking further action by the first respondent.

5. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 16.08.2019 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the respondents 3 and 4 and any other person who would be affected by such decision. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order. The petitioner is directed to submit a copy of the representation to the first respondent along with a copy of this order.

6. W.P(MD).No.13919 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

1. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Dindigul District.
2. The Thasildar,
Tahsildar Officer, Aathur Taluka,
Dindigul District.

+1 CC to M/s.GP (SR-25892[F] dated 11/08/2021)

W.P. (MD) No.13919 of 2021

10.08.2021

RK (23.08.2021) 2P 4C