



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.14906 of 2021

A.Gajendran

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Revenue Divisional Officer,
Collectorate Campus,
Kokkirakulam, Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Tirunelveli Taluk,
SN High Road, Tirunelveli, Tirunelveli District.

4.The Village Administrative Officer,
Tiruppani Nellaiyapuram Village,
Tirunelveli Taluk, Tirunelveli.

5.Mary Thangapushpam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to cancel the Patta No.73, which stands in the name of the fifth respondent and consequently direct the second respondent to issue patta in the petitioner's favour with regard to Survey No.34/2B2, to an extent of three acres, in Tiruppani Nellaiyapuram Village, Tirunelveli Taluk, Tirunelveli District and to consider the petitioner's representation dated 23.03.2021.

For Petitioner : Mr.R.M.Suresh
For R-1 to R-4 : Mr.R.Baskaran,
Counsel for State

ORDER

The petitioner seeks cancellation of the patta issued to the fifth respondent and for a consequential direction to issue patta in his favour.

2. According to the petitioner, the land in Ayan Punjai Survey No. 34/2B2 was allotted to him by proceedings of the second



respondent dated 06.12.1983. The petitioner alleges that he noticed that a Power of Attorney had been executed by one Mr.Murugan in respect of the aforesaid property. The petitioner alleges that the said Murugan does not have any right over the property. It is further alleged that such Power of Attorney has been abused for purposes of creating a forged sale deed dated 18.10.2002 in favour of the fifth respondent herein. The petitioner submitted a representation dated 23.03.2021 in such facts and circumstances and has filed the present Writ Petition in view of the failure of the second respondent to take action thereon.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the petitioner's representation may be directed to be considered and disposed of on merits.

4. The revenue authorities do not have the jurisdiction or authority to decide disputed questions of title. They also do not have the power to cancel registered documents. However, the power to cancel a patta which has been unlawfully issued to a person is vested in the Revenue Divisional Officer. In the case at hand, the petitioner has levelled various allegations against the fifth respondent. If put on notice, it is likely that the fifth respondent would deny such allegations. However, it is not necessary to enter into the merits in this proceeding.

5. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 23.03.2021 seeking cancellation of the patta and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner, the fifth respondent herein and any other person who would be affected by such decision. Such reasoned order shall be passed within a period of three (3) months from the date of receipt of a copy of this order.

6. WP(MD) No.14906 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

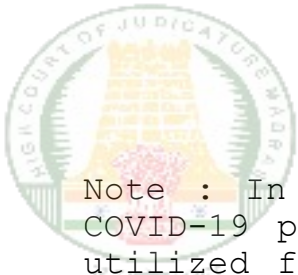
Assistant Registrar(CS-I)

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/ /2021

Sub Assistant Registrar(CS)

tsg



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,
Tirunelveli District, Tirunelveli.
- 2.The Revenue Divisional Officer,
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Kokkirakulam, Tirunelveli,
Tirunelveli District.
- 3.The Tahsildar,
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- 4.The Village Administrative Officer,
Tiruppani Nellaiyapuram Village,
Tirunelveli Taluk, Tirunelveli.

+1 CC to M/s.GP (SR-27186[F] dated 25/08/2021)

W.P (MD) No.14906 of 2021
24.08.2021

ps (CO)
TR(02.09.2021) 3P 6C