



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.08.2021
CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WEB COPY

W.P.(MD)No.15043 of 2021
and
W.M.P(MD).Nos.11987 and 11989 of 2021

B.Mani

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Office,
Trichy.
2. The Revenue Divisional Officer,
Srirangam, Trichy.
3. The Tahsildar,
Srirangam, Trichy.
4. The Idol Sri Renganathasamy, Srirangam,
Rep by its,
Joint Commissioner/Executive Commissioner,
Having office at Renganathasamy Devasthanam
Office, Srirangam, Trichy.
5. J.Sriram

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent pertaining to the impugned order of patta dated 15.05.2018 issued in favour of the fourth respondent and quash the same as illegal and consequently directing the third respondent to restore the entry in favour of the petitioner in respect of the property measuring to an extent of 3.16 acres situated in T.S.No.1507 Punjai Thoppu in Vellithirumutham Village, Srirangam, Trichirappalli corresponding to corporation ward No.1, Block 45, T.S.No.1507 within the time as stipulated by this Court.

For Petitioner : Mr.M.Siddharthan

For Respondent : Mr.R.Baskaran,
Counsel for the State for R1 to R3
Mr.M.Saravanan for R4



O R D E R

The petitioner seeks the cancellation of a patta issued to the fourth respondent and for the consequential restoration of the patta in favour of the petitioner with regard to the property measuring 3.16 acres in T.S.No.1507, Punjai Thoppu in Vellithirumutham Village, Srirangam, Tiruchirappalli.

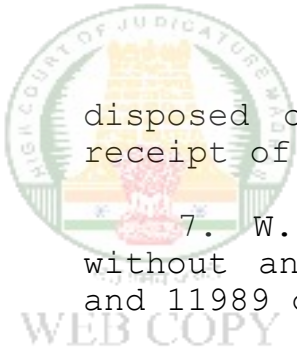
2. The petitioner states that the aforesaid property is owned by him. In view of a dispute between the petitioner and the fourth respondent, the fourth respondent had filed O.S.No.82 of 2011 before learned III Additional District Judge, Trichy for the relief of delivery of vacant possession. The said suit was dismissed. It is stated that the first appeal against such suit, namely, A.S.No.140 of 2014 is pending before the High Court. Originally, all the revenue records such as Chitta, Patta and Adangal, etc., stood in the petitioner's name. However, it is stated that the third respondent cancelled the names of the petitioner and his wife from the revenue records and unlawfully included the name of the fourth respondent. In such circumstances, the petitioner has challenged the issuance of patta in favour of the fourth respondent.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. Mr.M.Saravanan, learned counsel, accepts notice on behalf of the fourth respondent.

4. Mr.R.Baskaran submits that the petitioner appears to be claiming the right to cancellation of the patta on the basis of the dismissal of O.S.No.82 of 2011. He further submits that the appropriate authority, namely, the jurisdictional Revenue Divisional Officer may be directed to consider and dispose of the petitioner's application for cancellation of patta on merits.

5. Once a patta is issued in favour of a person, the jurisdiction to consider an application for cancellation thereof is vested with the jurisdictional Revenue Divisional Officer. Needless to say, a request for such cancellation should be decided after providing a reasonable opportunity to all the parties who would be affected by such decision.

6. Accordingly, without going into the merits of the matter, the petitioner is permitted to carry an appeal before the jurisdictional Revenue Divisional Officer within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the Revenue Divisional Officer concerned is directed to consider such appeal and dispose of the same by a reasoned order in accordance with law after providing a reasonable opportunity to the petitioner, the fourth and fifth respondents herein and any other party who would be affected by such decision. The appeal shall be



disposed of within a period of three months from the date of receipt of the appeal from the petitioner.

7. W.P.(MD).No.15043 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).Nos.11987 and 11989 of 2021 are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Pkn

To:

1.The District Collector,
Collectorate Office,
Trichy.

2. The Revenue Divisional Officer,
Srirangam, Trichy.

3. The Tahsildar,
Srirangam, Trichy.

+1 CC to M/s.M.SARAVANAN, Advocate (SR-27332[F] dated 25/08/2021)

+1 CC to M/s.GP (SR-27370[F] dated 26/08/2021)

W.P. (MD) No.15043 of 2021

25.08.2021

RD(2.09.2021) 3P 6C