



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15481 of 2021

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R.Jeeva

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District,
District Collectorate, Madurai-20.

2.The Revenue Divisional Officer,
Melur Division, Chitampatti,
Madurai.

3.The Thasildar,
Melur Taluk, Melur,
Madurai District.

4.Seethaiammal.

... 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 in patta No.3245 under the name of Seethaiammal, W/o.Ayyasamy @ Periyakarupan and to issue patta in the name of the legal heir of petitioner's father based on the sale deeds in respect of properties in S.No.356/3 and 356/4 situated at Therkuthuru Village, Melur Taluk, Madurai District, by considering petitioner's representation dated 20.01.2021 within the time stipulated by this Court.

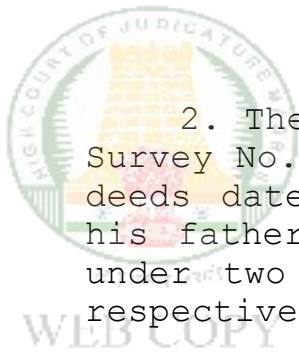
For Petitioner : Mr.Amalann S MP

For Respondents : Mr.P.Subbaraj

Counsel for the State for R1 to R3

ORDER

The petitioner seeks a direction to the second respondent for cancellation of the patta issued to the fourth respondent herein and to instead issue a patta in the name of the legal heir of his father.



2. The petitioner states that his father purchased the land in Survey No.356/3 of an extent of 41 cents under two registered sale deeds dated 13.02.1986 and 24.02.1988 respectively. In addition, his father purchased an extent of 65 ½ cents in survey No.356/4 under two registered sale deeds dated 24.06.1987 and 14.09.1989 respectively.

3. Upon the death of his father on 16.01.2015, it is stated that the petitioner examined the revenue records so as to obtain a mutation of the patta. However, the petitioner was shocked to discover that the revenue record reflected the name of the fourth respondent herein. In such circumstances, the petitioner submitted multiple representations including to the second respondent herein. The present writ petition is filed on account of the alleged failure to take action on the basis of such representations.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3. He submits that the authority to consider and decide an application for cancellation of patta is vested with the jurisdictional Revenue Divisional Officer.

5. The documents on record include the patta bearing patta No.3245 in the name of the fourth respondent herein. Such patta relates to properties bearing Survey Nos.356/3B and 356/4. Accordingly, the Revenue Divisional Officer would have to decide as to whether the petitioner is entitled to cancellation of such patta. It appears that the petitioner has submitted representations to the said respondent on 20.01.2021 and 02.07.2021.

6. In the aforesaid facts and circumstances, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation seeking cancellation of the patta and dispose of the same within a period of three months from the date of receipt of a copy of this order after providing a reasonable opportunity to petitioner, the fourth respondent herein and any other person who would be affected by such decision. On account of the fact that the merits of the matter have not been gone into and because the second respondent herein is directed to hear the fourth respondent before passing an order, the writ petition is disposed of without notice to the private respondent.



7. W.P.(MD).No.15481 of 2021 is disposed of on these terms without any order as to costs.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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 Revenue Officer,
Madurai District,
District Collectorate, Madurai-20.
- 2.The Revenue Divisional Officer,
Melur Division, Chitampatti,
Madurai.
- 3.The Thasildar,
Melur Taluk, Melur,
Madurai District.

+1 CC to M/s.SPL GP (SR-27906[F] dated 02/09/2021)

W.P (MD) No.15481 of 2021
01.09.2021

PS (CO)
SB(08.09.2021) 3P 5C