



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.16413 of 2021

WEB COPY

Abdul Rahman

... Petitioner

Vs.

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The District Revenue Officer,
O/o.District Revenue Office,
Tuticorin District.
- 3.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.
- 4.The Tahsildar,
Kayatharu Taluk,
Tuticorin District.
- 5.Thangaraj
- 6.Varadharajan

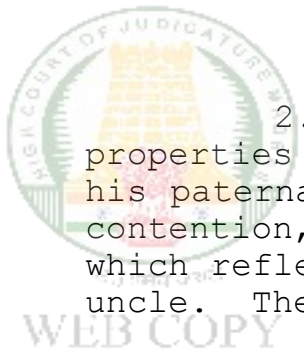
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.2 to 4 to cancel the pattas in respect of S.Nos.463/9A, 463/9B and 463/9C in old Patta No.1132, new Patta No.2365 extent of 2 acre 22 cents situated at Manankathan Village, South Ilainthakulam, Kayatharu Taluk, Tuticorin District and restore the same in favour of the petitioner's ancestors name of Nahoor Pitchai and Mr.Shahul Hameed within the time frame stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy
For R1 to R4 : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks a direction to respondents 2 to 4 to cancel the pattas in respect of the properties bearing Survey Nos.463/9A, 463/9B and 463/9C at Manankathan Village, South Ilainthakulam, Kayatharu Taluk, Tuticorin District and to restore the patta in the name of the petitioner's ancestors, namely, Nahoor Pitchai and Shahul Hameed.



2. The petitioner states that the above mentioned properties belonged to his grandfather, the late Nahoor Pitchai, and his paternal uncle, the late Shahul Hameed. In support of the said contention, the petitioner relies upon the relevant village accounts which reflect the names of the petitioner's grandfather and paternal uncle. The petitioner claims to be a legal heir of Nahoor Pitchai.

3. It is stated that one Mrs.Kairunnisha unlawfully sold the property bearing Survey No.463/9 to the fifth respondent herein. On such basis, it is alleged that the fifth respondent transferred the property to his son, the sixth respondent, by a settlement deed executed in the year 2004. By relying thereon, it is stated that a patta was issued in the name of the sixth respondent. Therefore, the petitioner submitted a representation on 26.07.2018 to respondents 1, 3 and 4 by enclosing relevant documents. On account of the fact that no action was taken thereon, a subsequent representation was issued on 08.07.2021. The petitioner seeks the expeditious disposal of proceedings pending before the third respondent in this regard.

4. Mr.K.S. Selva Ganesan, learned Counsel for the State, accepts notice on behalf of respondents 1 to 4. In view of the nature of order proposed to be issued, notice to the private respondents is dispensed with.

5. Given the limited scope of the present Writ Petition, it is not necessary to enter findings on the merits thereof. Instead, it would be sufficient if the third respondent is directed to consider and dispose of the pending proceedings expeditiously.

6. Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 22.07.2021 seeking cancellation of patta and restoration thereof in the names of the petitioner's ancestors within a period of three (3) months from the date of receipt of a copy of this order. Such proceedings shall be concluded after providing a reasonable opportunity to the petitioner and respondents 5 and 6 herein by way of a reasoned order.

7. W.P.(MD).No.16413 of 2021 is disposed of on these terms without any order as to costs.

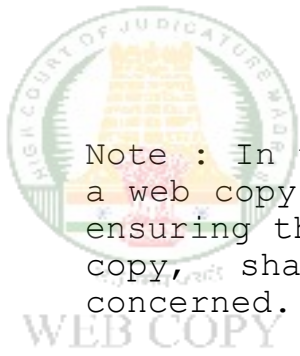
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Tuticorin District,
Tuticorin.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Tuticorin District.
- 3.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.
- 4.The Tahsildar,
Kayatharu Taluk,
Tuticorin District.

+1 CC to M/s.SPL. GP (SR-29348[F] dated 16/09/2021)

W.P (MD) No.16413 of 2021
15.09.2021

GC(24.09.2021) 3P 6C