



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17837 of 2021

WEB COPY

K.Rajendran

... Petitioner

Vs.

1.The District Collector,
Karambakudi Taluk,
Pudukkottai District-622 302.

2.The Tahsildar,
Taluk Office,
Karambakudi Taluk,
Pudukkottai District-622 302.

3.The Village Administrative Officer,
Karambakudi Village,
Karambakudi Taluk,
Pudukkottai District-622 302.

4.B.Durairaj

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to cancel the forged certificate dated 05.07.2021 issued by the third respondent to the fourth respondent thereby taking appropriate action against the third respondent for issuing forged certificate as the said property is belonging to the petitioner bearing Survey No.77.6, Patta No.1323, situated at Karambakudi Village, Pudukkottai District, based on the petitioner's representation dated 06.09.2021 made through registered post, within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.K.Sankar

For R1 to R3

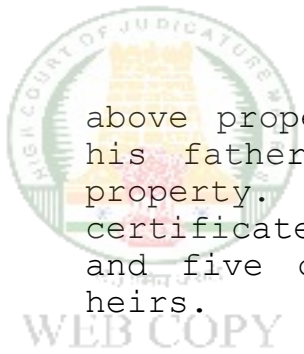
: Mr.B.Saravanan

Counsel for State

ORDER

The petitioner seeks a direction to the first and second respondents to cancel an allegedly forged certificate dated 05.07.2021, which was issued by the third respondent to the fourth respondent.

2.The petitioner states that his late father, Kuzhandaisamy, was the owner of the lands bearing S.No.77/6 of an extent of 1 acre and 36 cents. It is stated that a sale deed dated 29.07.1972 was executed in the name of the petitioner's father in respect of the



above property. The petitioner cites Patta No.1323 in the name of his father in support of his claim in respect of the relevant property. The petitioner also points out that a legal heir certificate was issued in 2013 indicating that Kuzhandaisamy's wife and five children, including the petitioner, are his only legal heirs.

3.In these circumstances, the petitioner states that the third respondent herein unlawfully issued a certificate to the effect that the fourth respondent is the owner of the property bearing S.No.6A1, corresponding to Patta No.1323. The petitioner asserts that this certificate is liable to be cancelled. Therefore, the petitioner submitted representations on 23.07.2021 and 06.09.2021 and has approached this Court in view of the alleged failure to act thereon.

4.Mr.B.Saravanan, learned counsel for the State, accepts notice on behalf respondents 1 to 3. He submits that the second respondent may be directed to consider and dispose of the petitioner's representation within a reasonable time frame.

5.The petitioner has enclosed a copy of the sale deed dated 29.07.1972 and a copy of Patta No.1323, which has been issued in the name of the petitioner's father, Kuzhandaisamy. The legal heirship certificate has also been enclosed. In these circumstances, the petitioner has made out a case for the consideration of his representation seeking cancellation of the certificate issued by the Village Administrative Officer. Needless to say, a reasonable opportunity should be provided to the fourth respondent in the inquiry before a decision is taken with regard to the request for cancellation.

6.Accordingly, without entering any findings on the merits of the matter, the second respondent is directed to consider the petitioner's representations dated 23.07.2021 and 06.09.2021 and pass a reasoned order thereon within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the fourth respondent herein.

7.W.P(MD).No.17837 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// 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,
Karambakudi Taluk,
Pudukkottai District-622 302.
- 2.The Tahsildar,
Taluk Office,
Karambakudi Taluk,
Pudukkottai District-622 302.
- 3.The Village Administrative Officer,
Karambakudi Village,
Karambakudi Taluk,
Pudukkottai District-622 302.

+1 CC to M/s.SPL.GP (SR-31166[F] dated 05/10/2021)

W.P (MD) .No.17837 of 2021
04.10.2021

NSM(CO)
KB(20.10.2021) 3P 5C