



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17768 of 2021

Venkatachalam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Musiri,
Trichy District.

2.The Tahsildar,
Thuraiyur Taluk Office,
Thuraiyur,
Trichy District.

3.Rajendiran

... 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.1 and 2 to cancel the patta issued in favour of the third respondent and consequently directing the respondent Nos.1 and 2 to restore the Patta in the petitioner's name with regard to the property in Survey Nos.339/2A, 339/7 and 339/9.

For Petitioner : Mr.K.Arunraj

For R-1 and R-2 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction to respondents 1 and 2 to cancel the patta issued in favour of the third respondent and consequently restore the patta in the petitioner's name as regards the property bearing Survey Nos.339/2A, 339/7 and 339/9 at Vairychettipalayam Village, Thuraiyur Taluk, Trichy District.

2. The petitioner claims title to the above mentioned property under a registered sale deed dated 07.04.1997. A copy of the patta passbook is cited in support of the petitioner's title and possession over the said property.

<https://hcservices.ecourts.gov.in/hcservices/> 3. The petitioner alleges that the third respondent, who is



the son of the petitioner's vendor, made a claim to the said property on the basis of an unregistered Will dated 29.10.2004 executed by his mother, Pappathi. The petitioner alleges that, on such basis, the third respondent has unlawfully obtained Patta No.1869 and Patta No.1868. Consequently, the petitioner initiated proceedings before the jurisdictional Revenue Divisional Officer on 08.10.2020. The present Writ Petition is filed in view of the non-disposal of the said appeal.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first and second respondents. He submits that the appeal filed by the petitioner may be directed to be considered and disposed of on merits and in accordance with law after providing a reasonable opportunity to the petitioner and the third respondent.

5. The petitioner has enclosed a copy of the registered sale deed dated 07.04.1997 under which he purchased the relevant property from one Karuppannan. A copy of the patta passbook issued to the petitioner has also been produced. In addition, the petitioner has produced a copy of Patta No.1868 in the name of the third respondent. The said patta pertains to the property bearing Survey Nos.339/7 and 339/2A of an extent of 0.9.00 Ares and 0.64.00 Ares, respectively. Patta No.1869 has also been filed. The said patta relates to the property bearing Survey No.339/9 of a total extent of 0.41.00 Ares. This patta is in the name of both the petitioner, Venkatachalam, and the third respondent, Rajendiran. Therefore, all these aspects should be taken into account while considering and disposing of the petitioner's appeal.

6. Accordingly, without entering any findings on the merits of the matter, the first respondent herein is directed to consider the petitioner's appeal dated 08.10.2020 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the third respondent herein. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.

7. W.P.(MD).No.17768 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

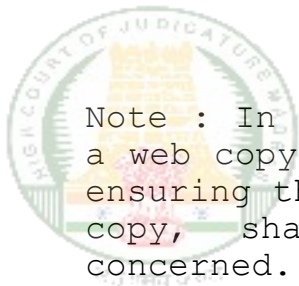
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/ /2021

Sub Assistant Registrar(CS)

tsg/LM

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

1.The Revenue Divisional Officer,
Musiri,
Trichy District.

2.The Tahsildar,
Thuraiyur Taluk Office,
Thuraiyur,
Trichy District.

+1 CC to M/s.SPL.GP (SR-31937[F] dated 11/10/2021)

W.P (MD) No.17768 of 2021
08.10.2021

RD(21.10.2021) 3P 4C