



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.17698 of 2021

WEB COPY

Murugan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

2.The Tahsildar,
Manamelkudi Taluk,
Manamelkudi,
Pudukkottai District.

3.Ganesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to conduct detailed enquiry and thereby cancel the patta stands in the name of the third respondent in Patta No.1374 for Survey Nos.186/1, 186/2 and 186/3 in Kottaipattinam Panchayat, Kodikulam Village, Manamelkudi Taluk, Pudukkottai District by considering the representation given by the petitioner dated 09.08.2021 within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu
For R-1 and R-2 : Mr.K.S.Selva Ganesan,
Counsel for State

ORDER

The petitioner seeks the early disposal of proceedings instituted before the first respondent for cancellation of the patta issued to the third respondent.

2. The petitioner claims title to the property bearing Survey Nos.186/1, 186/2 and 186/3 at Kodikulam Village, Manamelkudi Taluk, Pudukkottai District under a sale deed dated 06.11.2020. The petitioner cites a patta issued to his vendor's father, namely, Ali Akbar.

3. After purchasing the property, the petitioner states that he approached the second respondent for mutation of the patta. In the process, the petitioner discovered that Patta No.1374 was



wrongly issued to the third respondent. In such circumstances, the petitioner submitted a representation dated 09.08.2021 to the first and second respondents and has filed the present Writ Petition.

4. Mr.K.S.Selva Ganesan, learned counsel for the State, appears on behalf of respondents 1 and 2. He submits that the first respondent may be directed to consider and dispose of the petitioner's appeal on merits and in accordance with law. However, he points out that the impugned patta was issued pursuant to proceedings dated 01.08.2001.

5. The petitioner has produced a copy of the sale deed dated 06.11.2020 in his favour. He has also produced a copy of the patta in respect of the property bearing Survey Nos.186/1, 186/2 and 186/3. Such patta appears to be issued in the name of one Ali Akbar. Upon perusal of the sale deed, it appears that the petitioner's vendor is Kalandhar Maraikaayar, son of Ali Akbar. Therefore, the petitioner is entitled to a consideration of his representation.

6. Accordingly, without entering any findings on the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 09.08.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the third respondent herein. On account of the fact that the merits of the matter have not been gone into and because the first respondent has been directed to provide a reasonable opportunity to the third respondent, the Writ Petition is disposed of without notice to the private respondent. Such reasoned order shall be issued by the first respondent within a period of four (4) months from the date of receipt of a copy of this order.

7. W.P(MD).No.17698 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

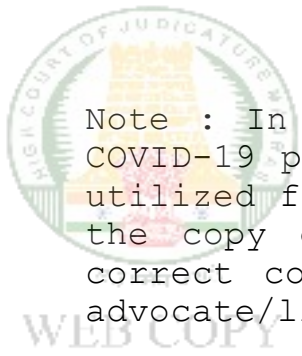
Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM



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 Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

2.The Tahsildar,
Manamelkudi Taluk,
Manamelkudi,
Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-31536[F] dated 07/10/2021)

W.P (MD) No.17698 of 2021
05.10.2021

NSN (CO)
SB(21.10.2021) 3P 4C