



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.19214 of 2021

Alagarsamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Melur, Madurai District.

2.The Tahsildar,
Melur Taluk Office,
Melur, Madurai District.

3.Amsavalli

4.Sangeetha

5.Kamatchi

... 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 proper enquiry, based on the petitioner's wife's application dated 06.09.2020 as well as petitioner's application dated 14.10.2020 and to take appropriate action for rectifying the wrong entries made in the revenue records in respect of the lands, bearing Survey Nos.13/2, 77/1 and 74/1 in Poojuthi Village, Melur Taluk, Madurai District, within the time limit, that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik
For R1 & R2 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a direction to the first respondent to conduct an inquiry based on the application submitted by his wife and the subsequent application submitted by him for cancellation of three pattas issued to respondents 3 to 5 herein.

2.The petitioner states his wife, Mahalakshmi, purchased lands in S.No.13/2 of an extent of 1 acre, S.No.77/1 of an extent of 2 acres, S.No.74/1 of an extent of 2 acres and S.Nos.74/1 and 77/1 of an extent of 41 cents and 1 acre 59 cents from the vendors thereof under three separate sale deeds dated 23.09.1994, 25.01.1995 and 31.05.1995. The petitioner states that his wife



petitioner and his two children are the legal heirs.

3. According to the petitioner, the revenue records in relation to the said lands were not mutated in favour of the petitioner's wife. However, it is stated that the respondents 3 to 5 fraudulently obtained pattas in respect of properties purchased by his wife. Consequently, his wife submitted an application on 06.09.2020 to the first respondent seeking cancellation of such pattas. After the death of his wife, the petitioner also submitted a representation seeking cancellation of the patta.

4. Mr. P. Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. On instructions, he submits that the land bearing S.No.13/2 stands in the name of one Panju, wife of Palpandi; the land bearing S.No.77/1 stands in the name of the Land Colonization Society; and the land bearing S.No.74/1 stands in the name of Kamatchi, wife of Arumugam. Therefore, it is stated that Panju and the Land Colonization Society should be put on notice before a decision is taken by the Revenue Divisional Officer.

5. The petitioner has enclosed copies of the sale deeds under which his wife purchased the property. The pattas issued in favour of the third and fifth respondents herein are also on record. The said pattas relate to the properties bearing S.Nos.74/3, 74/9 and 74/1. The sale deeds filed by the petitioner relate to the properties bearing S.Nos.13/2, 77/1 and 74/1. Therefore, all the pattathars in respect of the said properties should be heard before a decision is taken on the petitioner's appeal. As correctly pointed out by learned counsel for the State, Panju, wife of Palpandi, and the Land Colonization Society should be heard in addition to Kamatchi and respondents 3 and 4.

6. Accordingly, W.P. (MD).No.19214 of 2021 is disposed of by directing the first respondent to consider the petitioner's appeal seeking cancellation of pattas after providing a reasonable opportunity to the petitioner, respondents 3 and 4 herein, Panju and the Land Colonization Society. The said appeal shall be disposed of by a reasoned order within a period of four (4) months from the date of receipt of a copy of this order. However, there will be no order as to costs.

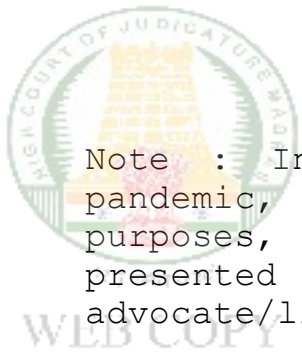
Sd/-

Assistant Registrar (AD-II)

// 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 Revenue Divisional Officer,
Melur,
Madurai District.

2.The Tahsildar,
Melur Taluk Office,
Melur,
Madurai District.

+1 CC to M/s.SPL.GP (SR-33354[F] dated 01/11/2021)

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-33258[F] dated 29/10/2021)

W.P (MD) .No.19214 of 2021
29.10.2021

RD/PM(15/11/2021) 3P 5C