



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.19166 of 2021

R.Chelladurai

... Petitioner

Vs.

1.The District Collector,
Office of the Collector,
Theni District.

2.The Sub-Collector,
Periyakulam Division,
Thamaraikulam,
Periyakulam, Theni District.

3.The Thasildar,
Andipatti Taluk,
Theni District.

4.Kasirajan

5.Annakodi

6.Gangadevi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to place the report to complete the enquiry as per the direction of the second respondent in Na.Ka.960/2021/al dated 05.05.2021 to cancel the patta stand in the name of the fourth to sixth respondents' in Survey Nos.62/4A, 62/4B and 62/4C and grant patta to the petitioner for the said lands in Palayakottai Village, Andipatti Taluk, Theni District by considering his representation dated 16.08.2021, within the period stipulated by this Court.

For Petitioner

: Mr.S.Atham Ali

For R1 to R3

: Mr.P.Subbaraj
Counsel for State



ORDER

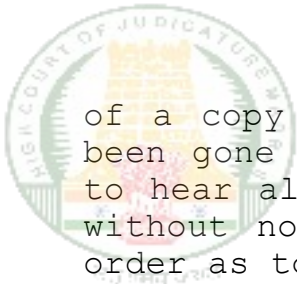
The petitioner seeks a direction to the third respondent to submit the report as per the direction of the second respondent under letter dated 05.05.2021.

2.The petitioner claims title to the property bearing S.Nos.62/4A, 62/4B and 62/4C through his grandfather, Ramasamy Servai. In support of such submission, the petitioner relies upon the extract from the "A" Register. In addition, pattas issued to his grandfather are also referred to. According to the petitioner, patta was wrongly issued in respect of the said property subsequently to the private respondents herein. Therefore, a representation was made on 16.08.2021 to the second and third respondents. The present petition is filed seeking the report of the Tahsildar so as to conclude the inquiry.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice for respondents 1 to 3. He points out that by communication dated 05.05.2021, the Sub Collector has called for a report from the Tahsildar, Andipatti, so as to take a decision on the petitioner's request for cancellation of the patta issued to the private respondents. Therefore, he submits that the second respondent may be directed to consider and dispose of the matter within a reasonable time frame. However, he adds that before a decision is taken the private respondents herein should be provided a reasonable opportunity.

4.The extract from the "A" Register indicates the name of Ramasamy Servai and three others as the owners in respect of the property bearing S.No.62/2. The petitioner asserts that S.No.62/2 was subsequently subdivided into S.Nos.62/4A, 62/4B and 62/4C. This aspect should be taken into account while deciding the petitioner's application for cancellation of the patta. The petitioner has also enclosed the patta issued in respect of S.Nos.62/4A and 62/4C under Patta No.175, which stands in the name of Kasirajan and Annakodi, who are the fourth and fifth respondents herein. Patta No.492 covers five survey numbers including S.No.62/4B. The said patta is in the names of Gangadevi, Chinapandi, Panju, Velmurugan and Raghu. The said persons are not joined as respondents herein. Nonetheless, since the patta stands in their names, the said pattathars should be put on notice.

5.Accordingly, W.P.(MD).No.19166 of 2021 is disposed of by directing the second respondent to consider the petitioner's application for cancellation of pattas and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and to all the pattathars under Patta Nos.175 and 492 or their legal heirs, if appropriate. Such reasoned order shall be issued within a period of four (4) months from the date of receipt



of a copy of this order. Since the merits of the matter have not been gone into and because the second respondent has been directed to hear all the joint pattathars, the Writ Petition is disposed of without notice to the joint pattathars. However, there will be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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,
Office of the Collector,
Theni District.
- 2.The Sub-Collector,
Periyakulam Division,
Thamaraikulam,
Periyakulam, Theni District.
- 3.The Thasildar,
Andipatti Taluk,
Theni District.

+1 CC to M/s.SPL.GP (SR-33193[F] dated 29/10/2021)

W.P (MD) .No.19166 of 2021
28.10.2021

MGJ/JGB(18.11.2021) 3P 5C