



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. (MD) No.19450 of 2014

Marimuthu

...Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to cancel the patta transfer orders in TPT No.200/2002-2003, dated 14.06.2002, TPT No.575/1997-98, dated 10.11.1997 and TK & A/115/2013, dated 10.06.2013 in view of the 4th respondent's communication Na.Ka.A11/4177/2013, dated 26.09.2014, based on the petitioner's representations dated 22.09.2014 and 21.11.2014 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.N.Madhava Govindan

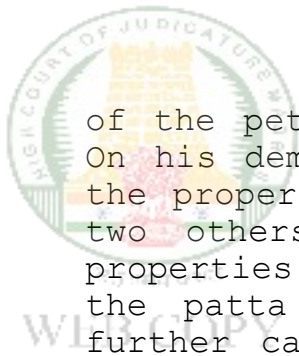
For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader

O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus, directing the third respondent to consider the representation made by the petitioner on 22.09.2014, wherein, the petitioner is seeking for the cancellation of the patta issued by the fourth respondent with respect to the subject property.

2.Heard Mr.N.Madhava Govindan, learned counsel appearing for the petitioner and Mr.K.P.Narayanakumar, learned Special Government Pleader, for the respondents.

3.The case of the petitioner is that the subject properties are the ancestral properties, which, ultimately vested on the father



of the petitioner and the revenue records also stood in his name. On his demise, the petitioner and the other legal heirs inherited the properties. The grievance of the petitioner is that Nagan and two others executed a Power of Attorney with regard to these properties and had dealt with the properties. Based on the same, the patta was also transferred by the fourth respondent. The further case of the petitioner is that all these documents stood cancelled and inspite of the same, the revenue records reflected the name of the third parties, who had no right or title over the properties.

4.The petitioner, therefore, made a representation to the third respondent on 22.09.2014, seeking to cancel the names of the persons found in the patta. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

5.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the third respondent to consider the representation made by the petitioner on 22.09.2014 and deal with the same on its own merits and in accordance with law, after affording opportunity to the petitioner and other persons whose names are found in the patta and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6.The petitioner is directed to make a fresh representation to the third respondent along with all relevant documents and also a copy of this order.

7.This writ petition is disposed with the above directions. No 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,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

+1 CC to M/s.N.MADHAVAGOVINDAN, Advocate (SR-16666[F] dated
20/04/2021)

+1 CC to M/s.SPL GP (SR-16471[F] dated 19/04/2021)

W.P. (MD) No.19450 of 2014
17.04.2021

NS (CO)
KB (30.04.2021) 3P 7C