



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.20896 of 2021

A.Packiyam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
RTO Office,
Kodaikanal Division,
Dindigul District.

2.The Thashildar,
Taluk Office,
Kodaikanal,
Dindigul District.

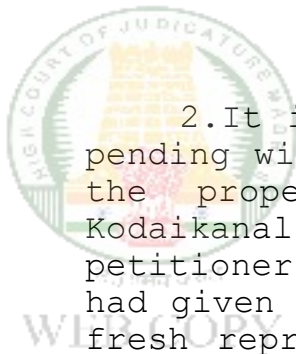
...Respondents

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 enquiry regarding the illegal transfer of patta issued by the second respondent in favour of dead persons by considering the petitioner's representation dated 23.08.2021 within stipulated time fixed by this Court.

For Petitioner	: Mr.T.Palanisamy
For Respondents	: Mr.J.John Rajadurai Government Advocate (Civil)

ORDER

The writ petition is with respect to the property at Block No.13, Ward T, Town Survey No.76,78, Kodaikanal Town, measuring 40 cents. The property originally belong to the father of the petitioner, Anandraj. Anandraj had two sons and three daughters. The petitioner is one of the son. The subject property was an undivided ancestral property. The patta was in the joint names of all the sons. Thereafter, a new patta came to be issued on 03.08.2021 giving the names of the father of the petitioner, his three sons and the names of his daughters. Unfortunately, even when the said patta was issued, one of the brother Dass had earlier died on 04.03.2020 and another brother Arockiyasamy had died on 18.06.2018 and another sister died on 19.04.2013.



2.It is stated that a Civil suit in O.S.No.111 of 2003 is also pending with respect to 2 cents of land within the said 40 cents of the property. The second respondent/Thasildar, Taluk Office, Kodaikanal in Dindigul District had issued, according to the petitioner, patta in the names of dead persons also. The petitioner had given a representation on 23.08.2021. Let the petitioner give a fresh representation giving the name of the persons in whose name the property of Anandraj will actually devolve and whose names will have to be included in the patta.

3.Let the second respondent/Thasildar conduct an enquiry with all those individuals whose names are given by the petitioner and also make an enquiry with respect to the names as found in the patta, dated 03.08.2021. Thereafter, the second respondent may issue a fresh patta in accordance with the rules.

4.In view of the fact that fresh patta is directed to be issued, the patta dated 03.08.2021 is hereby, therefore interfered with, and is cancelled and set aside. A fresh patta may be issued by the second respondent within a period of 12 weeks from the date of receipt of a copy of this order, which copy must be provided by the petitioner along with the fresh representation giving as aforesaid the correct list of legal representatives.

5.With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
RTO Office,
Kodaikanal Division,
Dindigul District.



2.The Thashildar,
Taluk Office,
Kodaikanal,
Dindigul District.

+1 CC to M/s.T.PALANISAMY, Advocate (SR-38464[F] dated 13/12/2021)

+1 CC to M/s.SPL GP (SR-38625[F] dated 14/12/2021)

W.P(MD) .No.20896 of 2021
13.12.2021

SVN(CO)

GC(20.12.2021) 3P 5C