



W.P. No.4157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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Subbaiah

...Petitioner

Vs.

1. The District Collector,
Perambalur,
Perambalur District.
2. The District Revenue Officer,
Perambalur, Perambalur District.
3. The Revenue Divisional Officer,
Perambalur,
Perambalur District.
4. The Tahsildar,
Kunnam Taluk Office,
Perambalur District.
5. The Village Administrative Officer,
Kezhapuliyur North,
Kunnam Taluk,
Perambalur District.
6. Tmt.Annalakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1 to 5th respondents



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considering the petitioner's representation dated 08.11.2021 thereby cancel the Patta No.2282, stands in the name of 6th respondent and No.2398 in the name of Mr.Kathir Kanagaraj and Mr.Regan.

For Petitioner : M/S.D.Veerakumar

For Respondents : Mr.A.Anandan
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to consider the petitioner's representation dated 08.11.2021 thereby cancel the Patta No.2282, stands in the name of 6th respondent and No.2398 in the name of Mr.Kathir Kanagaraj and Mr.Regan.

2. The case of the petitioner is that the petitioner's father acquired the land of 1 acre 21 cents comprised in Survey No.321/9A and an extent of 0.59 cents comprised in Survey No.321/3, entrusted from one Chinnammal through a declaration letter as a proof of handing over of the possession. After the demise of the petitioner's father, the petitioner has paid the Land Tax during U.T.R. Survey and the patta was assigned in the name of the petitioner. However, on the misrepresentation of the 6th respondent, the revenue officials transferred the patta from the petitioner's name to the 6th respondent/private party. Therefore, the petitioner made representation to the



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1st respondent dated 21.10.2020, to cancel the patta No.2282 stands in the name of 6th respondent, and the same was forwarded to the 4th respondent/The Tahsildar and thereafter there was no progress. In such circumstances, the 6th respondent alienated the subject properties in favour of one Kathir Kanagaraj and Mr.Reegan, who are respondents 7 and 8, and patta has also transferred in Patta No.2398. Therefore, the petitioner has made fresh representation dated 08.11.2021 to the respondents 1 to 5 to cancel the patta in favour of the 6th respondent/private party. However, till date, no order has been passed. Hence, the petitioner has filed the present Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that the patta has been inadvertently transferred in the favour of the private respondents 6 to 8. Further, he submits that it would suffice if this Court issues direction to the respondents 1 to 5 to consider the petitioner's representation dated 08.11.2021 and pass orders on the same within a particular time frame that may be fixed by this Court.

4. The learned Government Advocate has no objection for the said order being passed.



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5. This Court has perused the materials available on record and it clearly shows that initially the patta stands in the name of said Chinnammal and through declaration letter, the petitioner's father is said to have acquired the property from Chinnammal. However, the petitioner has not established before this Court as to how he acquired the property from his father, who alleged to have get it from the said Chinnammal and in the absence of any valid document, this Court cannot come to the aid of the petitioner and hence, this Court is not inclined to give affirmative direction in favour of the petitioner. Hence, this Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to approach the competent authority in the manner known to law. No costs.

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Index : Yes / No
Internet : Yes / No
Speaking order / Nonspeaking order
jd/sk



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To
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M.DHANDAPANI, J.

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