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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24007 of 2010

and

M.P.No.1 of 2010

D.Bharathi

...Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Revenue Divisional Officer,
Ranipet Taluk,
Vellore District.

3.The Tahsildar,
Arakkonam Taluk,
Vellore District.

4.Suguna

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 07.07.2010 pursuant to the letter of 1st respondent dated 30.07.2010 immediately and in accordance with law and thereby cancel the Patta No.492 in respect of the property situated in Punjai S.No.387/3, Mulvai Village, Arakkonam Taluk, Vellore District to an extent of 3.00 acres which stands in the name of the 4th respondent and transfer the said patta in the name of the petitioner within a stipulated time fixed by this Court.

For Petitioner : Mr.B.Sundara Pandiyan

For Respondents : Mr.M.Murali,
Government Advocate for RR1 to 3

: Mr.D.Devendran for R4



O R D E R

This petition has been filed seeking a direction to the 2nd respondent to consider the petitioner's representation dated 07.07.2010 pursuant to the letter of 1st respondent dated 30.07.2010 in accordance with law within a stipulated time fixed by this Court.

2. The case of the petitioner is that he is residing in the property, which was assigned in favour of his wife on 02.08.1984. While being so, the petitioner's wife had executed the Power of Attorney in favour of the 4th respondent's husband namely Dhandayuthapani vide Document No.43 of 2003, dated 28.05.2003 however, the same was cancelled vide registered Cancellation Document No.1290 of 2007, dated 08.10.2007. On coming to know the above fact, said Dhandayuthapani, with a malafide intention had created a forged document and executed a Sale Deed in favour of the 4th respondent herein and patta was also granted in favour of the 4th respondent. Without knowing the same, the petitioner's wife had executed a Settlement Deed in favour of the petitioner in respect of the subject property. On coming to know about the forged registration made by said Dhandayuthapani, the petitioner had made a detailed representation dated 07.07.2010 before the respondents 1 to 3 for cancellation of the patta issued in favour the 4th respondent. However, till date, the same has not been considered. Hence, the present petition has been filed seeking the aforesaid relief.

3. Though very many grounds have been raised by the learned counsel for the petitioner submits that it would suffice if this Court issued a direction to the 2nd respondent to consider petitioner's representation dated 07.07.2010 and dispose of the same on merits within the time stipulated by this Court.

4. The learned Government Advocate appearing for the 4th respondent submit that the petitioner's representation will be considered and appropriate orders will be passed on the same in accordance with law.

5. Heard the learned counsel on the either side and perused the materials available on record.

6. In view of the aforesaid submissions, this Court without going into the merits of the case, directs the 3rd respondent to consider the representation dated 07.07.2010 made by the petitioner and dispose of the same in accordance with law, after affording opportunity of personal hearing to the petitioner as well as the 4th respondent, within a period of 12 weeks from the date of receipt of a copy of this order on merits.



7. Accordingly this writ petition is disposed of. No costs.
Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

RAP

To

1.The District Collector/ Arbitrator,
Vellore District,
Vellore.

2.The Revenue Divisional Officer,
Ranipet Taluk,
Vellore District.

3.The Tahsildar,
Arakkonam Taluk,
Vellore District.

+1cc to Mr.D.Devendran, Advocate Sr.No.11732

+1cc to Mr.B.Sundara Pandiyan, Advocate Sr.No.11154

+1cc to the Government Pleader Sr.No.11993

W.P.No.24007 of 2010 and
M.P.No.1 of 2010

KV (CO)
RVM(18/03/2022)