



W.P.No.4355 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 01.03.2022

CORAM:
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.4355 of 2022

T. Perumal

... Petitioner

VS.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Bangalore Road, Krishnagiri District – 635 001.

2. The Thasildhar,
Office of the Thasildhar,
Burgoor Taluk,
Krishnagiri District.

3. P.Sanjeevan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to cancel the patta in respect of the properties comprised in Survey No.440/2, 441/1 and 441/3 measuring to an extent of 1.16 Acres situated at Oppanthavaadi Village, Burgoor Taluk, Krishnagiri District upon considering the application of the petitioner dated 19.05.2021 for cancellation of Patta within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.A.Anandan

Government Advocate for RR1 to 2

Notice dispensed [R3]



W.P.No.4355 of 2022

WEB COPY

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus directing the respondents to cancel the patta in respect of the properties comprised in Survey No.440/2, 441/1 and 441/3 measuring to an extent of 1.16 Acres situated at Oppanthavaadi Village, Burgoor Taluk, Krishnagiri District upon considering the application of the petitioner dated 19.05.2021 for cancellation of Patta within the period that may be stipulated by this Court.

2. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that the above said property situated at Oppanthavaadi Village, originally belonged to one Sanjeevi Gounder. After his demise, his legal heirs namely Thirupathi Gounder and Perumal Gounder inherited the property and patta was transferred in their names vide Document No.1196 and 1021. After the demise of the said Thirupathi



W.P.No.4355 of 2022

Gounder and Perumal Gounder, their legal heirs Gopal, Perumal, Govindhan and Sanjeevan @ Chinnasamy were in possession of the above said property jointly without any partition. Thereafter, when petitioner and other legal heirs of Thirupathi Gounder made an application before the 2nd respondent for issuance of separate patta, they came to know that the entire property has been changed in favour of the 3rd respondent by way of forged documents. While so, the petitioner and other legal heirs of Thirupathi Gounder made an application before the 1st respondent on 19.05.2021 seeking for cancellation of patta standing in the name of third respondent. Since the said application was not considered by the 1st respondent, they filed the writ petition seeking aforesaid relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 19.05.2021 and pass orders on the merits within a particular time frame fixed by this Court.



W.P.No.4355 of 2022

5. The learned Government Advocate for respondents 1 and 2 has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 19.05.2021 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner and private respondent within a period of twelve weeks from the date of receipt of a copy of this order.

8. This writ petition is accordingly **disposed of**. No costs.

01.03.2022

rap/skt

Index : Yes/No

Speaking order : Yes/No



W.P.No.4355 of 2022

To
WEB COPY

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Bangalore Road, Krishnagiri District – 635 001.
2. The Thasildhar,
Office of the Thasildhar,
Burgoor Taluk,
Krishnagiri District.



WEB COPY



W.P.No.4355 of 2022

M.DHANDAPANI, J.

rap

W.P.No.4355 of 2022

01.03.2022