



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.14443 of 2022

Rajeshwari

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Kumaran Road, Tiruppur-641 601.

2. The Tahsildar,
Office of the Tahsildar,
Palladam.

3. Thangavel

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondents to consider the petitioner representation dated 02.05.2022 to cancel the separate patta in patta no.2698 issued to Thangavel/3rd respondent after sub dividing S.F.No.256/3 situated at Kodangipalayam Village, Palladam Taluk, Tiruppur District within the time frame fixed by this Court.

For Petitioner : Ms.S.Vasavi Sridevi

For Respondent : Ms.Akila Rajendran, GA

O R D E R

Ms.Akila Rajendran, learned Government Advocate takes notice for the respondents 1 & 2. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. This Writ Petition has been filed seeking a direction to the first respondents to consider the petitioner's representation dated 02.05.2022 to cancel the separate patta in patta no.2698 issued to Thangavel/3rd respondent after sub dividing S.F.No.256/3 situated at Kodangipalayam Village, Palladam Taluk, Tiruppur District within the time frame fixed by this Court.



3. The case of the petitioner is that the petitioner is the owner of the land measuring an extent of 0.70 cents comprised in S.F.No.256/3 vide settlement deed Document No15512/2020 and the patta for the said land in patta No.615 is a joint patta issued for the total extent of 1.650 hectare comprised in S.F.No.256/3 and the third respondent owns a land on the northern side of the petitioner's land and he is also one of the joint patta holder of the said land. While so, on 21.04.2022, the third respondent obtained sub-division patta for S.F.No.256/3B for the land comprised in S.F.No.256/3 measuring an extent of 28.35 Ares out of total extent of 1.650 Hectares. While effecting sub-division of the land comprised in S.F.No.256/3, the petitioner was neither given notice as the adjacent owner nor the land was measured in the presence of the adjacent owners. The sub-division patta for S.F.No.256/3B was granted without affording opportunity to the petitioner and now, the FMB sketch for the new survey number is issued wrongly including a portion of the petitioner's land. Therefore, the petitioner made a representation on 2.05.2022 to the respondents to cancel the patta issued in the name of the third respondent in Patta No.2698 for the land in S.F.No.256/3B. Till date, the first respondent has not taken any steps with regard to the issue and hence, the petitioner has filed the present petition before this Court seeking appropriate remedy.

4. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondent to consider the petitioner's representation dated 02.05.2022 and pass appropriate orders within the time frame as fixed by this Court.

5. The learned Government Advocate submitted that to modify/cancel the patta, the petitioner has to file application before the jurisdictional Tahsildar. Instead of doing that, the petitioner has filed an application before the Revenue Divisional Officer, which is not sustainable one and hence, the writ petition has to be dismissed.

6. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record. Since no adverse orders are passed against the 3rd respondents and therefore, his presence is dispensed with.

7. Considering the facts and circumstances of the case and the submission made by learned Government Advocate, this Court directs the petitioner to file modification/cancellation petition to the second respondent within a period of two weeks from the date of receipt of a copy of this order. Upon such receipt of the application, the second respondent shall consider the same and pass orders, after providing opportunity to the petitioner as well as the third respondent, in this regard, on merits and in accordance with law within a period of twelve weeks, thereafter.



8. With the above direction, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

rli

To

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Kumaran Road, Tiruppur-641 601.
2. The Tahsildar,
Office of the Tahsildar,
Palladam.

+1cc to Ms.S.Vasavi Sridevi, Advocate, S.R.No.33986

W.P.No.14443 of 2022

GPL[co]
NSK/30/06/2022