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W.P.No.26147 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.26147 of 2022

A.Rajarajan

... Petitioner

Vs.

1.The Tahsildhar,
Office of the Tahsildhar,
Padamudipalayam,
Paramathi-Velur Taluk,
Namakkal District.

2.The Head Surveyor,
Padamudipalayam,
Paramathi-Velur Taluk,
Namakkal District.

3.R.Subramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the first respondent to consider the application of the representation of the petitioner dated 26.05.2022 seeking to cancel the Patta No.5664 granted in favour of the 3rd respondent and restore the name of the petitioners based on their Patta No.793 in respect of the Property belongs to the petitioner's land situated at Thidumal Village in



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SFNo.218/1 to an extent of 3.94 acres.

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For Petitioner : Mr.V.Raghavachari

For Respondents 1 & 2 : Mr.U.Bharanidharan,
Additional Government Pleader

ORDER

With the consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

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

3. This Writ Petition has been filed seeking for issuance of Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 26.05.2022 seeking to cancel the Patta No.5664 granted in favour of the 3rd respondent and restore the name of the petitioner based on his Patta No.793 in respect of the Property belongs to the petitioner's land situated at Thidumal Village in SFNo.218/1 to an extent of 3.94 acres.

4. The case of the petitioner is that the property in dispute was an



ancestral property and it was belonged to Kalimuthu, Yesuvadian, Karuppan.

Thereafter, the subject property was sold to many persons and the petitioner is also one of the purchasers, who purchased an extent of 3.94 acres in S.No.218/1 from E.N.Madeswaran and another in Doc.No.1657 of 1997. The patta was also given to him as Patta No.793. This being so, one Raman @ Ramasamy sold his self-acquired property to an extent of 1.97 acres in S.No.218/2 in favour of E.N.Madeswaran and another and Patta was also given vide Patta No.641. Whiles, Premkumar, one of the legal heirs of aforesaid Karuppan, created a fraudulent partition deed dated 27.02.2013 in Doc.No.729/2013 for S.Nos.218/1 and 218/2. Later, the said Premkumar executed a sale deed in favour of one Madhavaraj in Doc.No.2671 of 2014 for the aforesaid survey numbers, however, the same was cancelled to be registered by the Sub-Registrar.

4.1. Further case of the petitioner, the Premkumar executed another sale deed dated 05.08.2021 in favour of R.Subramaniam, who is the third respondent herein, which was also refused to be registered by the Sub-Registrar, however, the said Premkumar has executed several forged



documents for the said properties. This being so, the said Premkumar had prepared another sale deed in favour of third respondent and patta was also transferred to his name on 30.03.2022 in Patta No.5664. Aggrieved over the same, the petitioner made a representation dated 26.05.2022 seeking to cancel the Patta No.5664 granted in favour of the third respondent, however, no order was passed. Hence, this writ petition.

5. Learned counsel for the petitioner would submit that it would suffice this Court issues direction to the first respondent to consider the petitioner's representation dated 26.05.2022 within a time frame that may be fixed by this Court.

6. Learned Additional Government Pleader appearing for the respondents would submit that instead of making application before the first respondent/Tahsilar, the petitioner directly made an application before the District Collector and the same forwarded to the first respondent on 06.07.2022.

7. Heard the learned counsel on either side and perused the materials



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available on record.

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8. In view of the above, this Court, without going into the merits of the case, directs the first respondent to implement the letter forwarded by the District Collector dated 06.07.2022 after affording reasonable opportunity of hearing to the petitioner as well as the third respondent within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this writ petition is disposed of. No costs.

28.09.2022

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Index : Yes/No

Speaking Order : Yes/No

To:

1.The Tahsildhar,
Office of the Tahsildhar,
Padamudipalayam,
Paramathi-Velur Taluk,
Namakkal District.

2.The Head Surveyor,

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M.DHANDAPANI,J.

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