



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4625 of 2017

Palaniammal

... Petitioner

Vs

1. The Revenue Divisional Officer,
Salem.

2. The Tahsildar,
Edappaadi Taluk,
Edappaadi,
Salem District.

3. Mariammal

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the name of Mariyammal in Patta No.3595 and issue new Patta in respect of the property comprised in Survey No.503/2 to an extent of 26 cents, 503/16 to an extent of 9 cents, 503/21 to an extent of 7 cents, 503/6 to an extent of 5 cents together with 1/12th share of right over the well and other pathway right totally measuring an extent of 49 cents situated at Katchupalli Village, Edappaadi Taluk, Salem District, based on the representation of the petitioner dated 01.09.2015 and 08.09.2015 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
(for R1 & R2)

: Mr.V.R.Rajasekaran (for R3)

ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the respondents 1 and 2 to remove the name of Mariyammal in Patta No.3595 and issue new Patta in respect of the



properties comprised in Survey No.503/2 to an extent of 26 cents, S.No.503/16 to an extent of 9 cents, S.No.503/21 to an extent of 7 cents and S.No.503/6 to an extent of 5 cents together with 1/12th share of right over the well and other pathway right totally measuring an extent of 49 cents, situated at Katchupalli Village, Edapaadi Taluk, Salem District, based on the representations of the petitioner dated 01.09.2015 and 08.09.2015 forthwith.

2. The petitioner submit the said representations dated 01.09.2015 and 08.09.2015 to remove the name of the third respondent in patta No.3594 and issue New Patta in favour of the petitioner in respect of the properties comprised in S.No.503/2 to an extent of 26 cents, S.No.503/16 to an extent of 9 cents, S.No.503/21 to an extent of 7 cents and S.No.503/6 to an extent of 5 cents, situated at Katchupalli Village, Edapaadi Taluk, Salem District.

3. The counter affidavit filed by the second respondent, it reveals that the petitioner filed a suit in O.S.No.222 of 2012 relating to the subject properties and the same has not been brought to the knowledge of the Revenue Officials. Therefore, the request of the petitioner could not be considered.

4. Considering the above facts and circumstances of the case, the petitioner is directed to submit a fresh appeal before the first respondent for cancellation of patta issued in favour of the third respondent in the manner known to law, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to conduct enquiry, after issuance of notice to the petitioner and the third respondent herein and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks thereafter. It is made clear that the parties are at liberty to submit all the documents before first respondent during the enquiry.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



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To

1. The Revenue Divisional Officer,
Salem.

2. The Tahsildar,
Edappaadi Taluk,
Edappaadi,
Salem District.

+1cc to M/s.C.Prabakaran, Advocate Sr.3473

W.P.No.4625 of 2017

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srg 03/02/2022