



W.P.No.32231 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32231 of 2022

S.Saraswathi

...Petitioner

Vs.

1. The District Collector,
Tiruppur.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Dharapuram.
3. The Tahsildar,
Taluk Office,
Dharapuram.
4. A.Gopala Krishnan.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to correct the entries in the Patta in respect of Re-Survey No.518/2 previously R.S.No.518, Selampalayam Village, Dharapuram Taluk, Tiruppur District.

For Petitioner : Mr.I.Abrar MD Abdullah

For Respondents : Mr.U.Baranidharan, AGP, for R1 to R3



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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents to correct the entries in the Patta in respect of the subject property.

2. Mr.U.Baranidharan, learned Additional Government Pleader takes notice for the respondents 1-3. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the 4th respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that a certain extent of the property comprised in S.No.471, measuring an extent of 16.02 Acres was allotted in favour of the petitioner, vide judgment and decree dated 27.04.1992 made in O.S.No.217/1991. Pursuant to the same, the petitioner executed a General



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Power of Attorney in favour of her brother namely, Sivasubramaniam, vide Doc.No.345/2007 dated 22.06.2007, who in turn executed a sale deed in respect of the property comprised in S.No.471 in favour of one Vimalanathan and the said Vimalanathan in turn executed Power of Attorney in favour of one Gopala Krishnan, vide Doc.No.431/2011 dated 25.03.2011. Thereafter, the said Gopala Krishnan executed a sale deed dated 05.04.2011 in favour of one Moorthi, and all the above said transactions initiated by the petitioner's brother have taken place without the knowledge of the petitioner. Immediately after knowing the same, the petitioner filed a suit in O.S.No.376/2013 on the file of the Sub Court, Dharapuram, against her brother and three others, seeking declaration and permanent injunction and the same was decreed in favour of the petitioner on 22.09.2014. While such being the case, the legal heirs of the said Moorthi executed a Power of Attorney in favour of one Ramasamy vide Doc.No.4185/2022 dated 19.04.2022, who in turn conveyed the subject property in favour of the said Gopala Krishnan, vide sale deed dated 27.04.2022. Aggrieved by the same, the petitioner filed another suit in O.S.No.250/2022 on the file of the District Munsif, Dharapuram, seeking declaration of the documents executed in the year 2022 as null and void and



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the same is pending. Thereafter, the petitioner made a representation dated 26.11.2022 before the respondents seeking to cancel the patta issued in favour of the legal heirs of the said Moorthi and the said Gopala Krishnan in respect of the subject property, however, till date, no orders have been passed on the said representation. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the 3rd respondent to consider the petitioner's representation dated 26.11.2022 and to consequently, correct the entries in the patta in respect of the subject property as expeditiously as possible.

6. Learned Additional Government Pleader has no serious objection for the said order being passed and he fairly conceded that appropriate orders will be passed on the petitioner's representation dated 26.11.2022 within the time stipulated by this Court.

7. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the



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case, issues direction to the 3rd respondent to consider the petitioner's representation dated 26.11.2022 in terms of Section 10 of the Patta Passbook Act and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and the private respondent.

8. Accordingly, this Writ petition is disposed of. No costs.

01.12.2022

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Speaking Order : Yes/ No

Index : Yes/ No

To

1. The District Collector,
Tiruppur.

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M.DHANDAPANI, J.

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