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W.P.No.32884 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.32884 of 2022

M.Kuppursamy

... Petitioner

Vs

The Tahsildar,
Tahsildar Office,
Thantarampattu Taluk,
Tiruvannamalai – 606 706.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to cancel the Patta No.413 which is erroneously issued in the name of Pachiappan pertaining to the properties situated at S.No.43/1A3, S.No.42/1A2, S.No.43.1A5, S.No.44/4B1B & S.No.44/4B1D, Sathanur Village, Thindarampet Taluk, Tiruvannamalai District and further direct the respondent to issue patta in favour of the petitioner.

For Petitioner : Mr.V.Lakshminarayanan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

The prayer sought for herein is for a Writ of Mandamus to direct the respondent to cancel the Patta No.413 which is erroneously issued in the name of Pachiappan pertaining to the properties situated at S.No.43/1A3, S.No.42/1A2, S.No.43.1A5, S.No.44/4B1B & S.No.44/4B1D, Sathanur Village, Thandarampet Taluk, Tiruvannamalai District and further direct the respondent to issue patta in favour of the petitioner.

2. In respect of properties situated at various survey numbers i.e. S.No.43/1A3, S.No.42/1A2, S.No.43.1A5, S.No.44/4B1B & S.No.44/4B1D at Sathanur Village, Thandarampet Taluk, Tiruvannamalai District, the petitioner claims that he is the owner of the property because the petitioner's grandmother sometime in 1940 discharged the mortgage and from then onwards the father as well as the petitioner consecutively inherited the property.

3. Sometime back a partition was also effected which was reduced in writing and the document to that effect also is available with the petitioner. Upto 2019 the properties stood in the name of the petitioner and patta was issued to that effect.

4. When that being so, all of a sudden the respondent Tahsildar issued



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in the year 2019 a patta in Patta No.413 in favour of one Pachiappan, son of Chinnamogu Gounder and the said Chinnamogu Gounder is noway connected with the property and his son name Pachiappan is reflected in the patta issued in this regard by the respondent.

5. Therefore in order to cancel the patta, the petitioner has given an application to the respondent/Tahsildar on 02.09.2022 and in order to consider the said application and to pass orders, the petitioner has moved the present writ petition.

6. Heard Mr.V.Lakshminarayanan, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents.

7. The learned Special Government Pleader for the respondent would submit that, if at all any wrong patta is issued in the name of one Pachiappan son of Chinnamogu Gounder in respect of the properties which is claimed to be the properties of the petitioner and in this regard application given by the petitioner to the respondent/Tahsildar, would be enquired into and in this



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regard after giving notice to both the petitioner as well as the said Pachiappan and after having an enquiry in this regard necessary correction if needed would be made and accordingly the application submitted by the petitioner in this regard would be disposed of on merits within a time frame that may be stipulated by this Court.

8. I have considered the said submissions made by both sides and have perused the materials placed before this Court.

9. Since the Patta No.413 stands in the name of one Pachiappan and that is the wrong issuance of patta according to the petitioner as the properties belongs to him. The said issue can be enquired for the limited purpose of issuance of patta by the respondent/Tahsildar by considering the application submitted in this regard by the petitioner dated 02.09.2022 by giving opportunity of being heard to both the petitioner as well as the said Pachiappan and thereafter pass necessary orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



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10. With this direction, this Writ Petition is disposed of. No costs.

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Index : Yes / No

Speaking Order : Yes / No

Sgl

To

The Tahsildar,
Tahsildar Office,
Thantarampattu Taluk,
Tiruvannamalai – 606 706.



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R. SURESH KUMAR, J.

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