



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2797 of 2022

and

W.M.P.[MD]No.2470 of 2022

G.Mohan

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District.
- 2.District Revenue Officer,
Collector office campus,
Sivagangai,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 4.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.
- 5.The Block Development Officer,
Manamadurai Union Office,
Manamadurai - 630 606,
Sivagangai District.
- 6.M.Sethuraman
- 7.Deivanai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation pending before the fourth respondent within stipulated period.

For Petitioner
For Respondents 1 to 4

For Respondent No.5

: Mr.M.Mohamed Ajeesdheen
: Mrs.S.Jeyapriya
Government Advocate
: Mr.B.Saravanan
Additional Government Pleader



O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to consider the petitioner's representation dated 23.11.2020 under which the petitioner has requested the respondents to cancel the patta issued in the name of the sixth respondent.

2. According to the petitioner, earlier patta was issued in favour of the sixth respondent fraudulently and thereafter it was cancelled by the Land Settlement Assessment Officer, Madurai on 04.12.1991. Aggrieved by the same, the sixth respondent filed an appeal without arraying the District Collector as respondent. The District Revenue Officer also confirmed the order of Land Settlement Assessment Officer.

3. According to the petitioner after seven [7] years thereafter the sixth respondent has managed to obtain a patta once again over the very same property in his name on 09.06.2000 and 12.04.2001. Aggrieved by the same, the petitioner who is also interested in the very same property and without affording any opportunity to him patta has been issued in favour of the sixth respondent. The petitioner has given a representation dated 23.11.2020 to the official respondents seeking for cancellation of patta issued in the name of the sixth respondent for the property bearing survey No.6/15 in Tuthikulam. Kirunkakottai group, Manamadurai, Sivagangai District. Since the representation has not been considered till date, this writ petition has been filed.

4. Heard Mr.M.Mohamed Ajeesdheen, learned Counsel for the petitioner, Mrs.S.Jeyapriya, learned Government Advocate who accepts notice on behalf of respondents 1 to 4 and Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the fifth respondent.

5. No prejudice would be caused to the respondents if the representation of the petitioner dated 23.11.2020 is considered on merits and in accordance with law after hearing all the necessary parties including the fifth and sixth respondents herein within a time frame to be fixed by this Court.

6. Accordingly, this Court directs the fourth respondent to consider the aforesaid petitioner's representation dated 23.11.2020 seeking for cancellation of patta which according to the petitioner is presently standing in the name of sixth respondent in respect of the property bearing Survey No.6/15 in Tuthikulam. Kirunkakottai group, Manamadurai, Sivagangai District and pass final orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner as well as sixth and seventh respondents within a period of twelve [12] weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition stands disposed of. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

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Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The District Collector,
Sivagangai District.

2. District Revenue Officer,
Collector office campus,
Sivagangai,
Sivagangai District.

3. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4. The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

5. The Block Development Officer,
Manamadurai Union Office,
Manamadurai - 630 606,
Sivagangai District.

+1 CC to M/s.S.MOHAMED AJEESDHEEN, Advocate (SR-5645[F] dated 11/02/2022)

+1 CC to M/s.SPL GP (SR-5885[F] dated 14/02/2022)

ORDER MADE IN
W.P. [MD]No.2797 of 2022
11.02.2022

_SS/24.02.2022 : 3P/8C