



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2808 of 2022

Vellimalai

... Petitioner

Vs.

1.The District Revenue Officer,
Dindigul,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tahsildar,
Dindigul East Taluk,
Taluk Office,
Dindigul,
Dindigul District.

4.Jiyavuthin

... Respondents

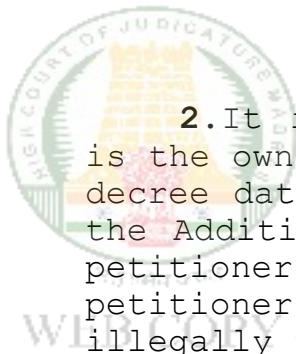
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to sub divide the S.No.157 situated at Sirumalai Revenue Village, Dindigul East Taluk, Dindigul District and issue separate patta in the name of the petitioner's father Karuppaiah S/o. Pommumaniyan.

For Petitioner : Mr.R.Murugappan

For Respondents 1 to 3 : Mrs.S.Jeyapriya
Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 and 3 to sub divide S.No.157 situate at Sirumalai Revenue Village, Dindigul East Taluk, Dindigul District and issue separate patta in the name of the petitioner's father Karuppaiah S/o. Pommumaniyan based on the petitioner's representation dated 27.08.2021.



2.It is the case of the petitioner that his father Karuppaiah is the owner of the aforementioned property pursuant to a compromise decree dated 12.08.2015 passed in O.S.No.770 of 2013 on the file of the Additional District Munsif Court, Dindigul. According to the petitioner, his father is bedridden and that is the reason for the petitioner to file this writ petition. According to the petitioner, illegally the fourth respondent has obtained patta for the very same property owned by his father and Patta No.1237 has been issued in his favour. The petitioner has given a representation on 27.08.2021 to the respondents 2 and 3 seeking for cancellation of the aforesaid patta. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.R.Murugappan, learned Counsel for the writ petitioner and Mrs.S.Jeyapriya, learned Government Advocate who accepts notice on behalf of respondents 1 to 3.

4.The relief sought for in this writ petition is an innocuous one. No prejudice would be caused to the official respondents if the representation of the petitioner dated 27.08.2021 seeking for cancellation of patta No.1237 for the aforementioned property is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner as well as the fourth respondent in whose name the patta stands. The petitioner has filed a copy of the judgment dated 12.08.2015 passed by the Additional District Munsif Court, Dindigul in O.S.No.770 of 2013 under which the petitioner claims that his father Karuppaiah became the absolute owner of the aforementioned property. The petitioner has given a representation on 27.08.2021 seeking for cancellation of patta No.1237 standing in the name of fourth respondent.

5.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 27.08.2021 seeking for cancellation of patta No.1237 standing in the name of the fourth respondent and pass final orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner as well as the fourth respondent within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

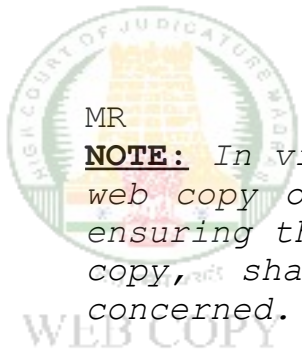
Sd/-

Assistant Registrar (AS)

// 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 Revenue Officer,
Dindigul,
Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.
- 3.The Tahsildar,
Dindigul East Taluk,
Taluk Office,
Dindigul, Dindigul District.

+1 CC to M/s.SPL GP (SR-5950[F] dated 14/02/2022)

ORDER MADE IN
W.P.[MD]No.2808 of 2022
11.02.2022

PKP/25.02.2022/3P/5C