



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.2846 of 2022

Ravichandran

... Petitioner

vs.

1.The District Collector, Trichy.

2.The Revenue Divisional Officer, Trichy.

3.The Tahsildar, Tiruverumbur, Trichy. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to cancel the patta issued in favour of 25 persons for the property comprised in S.F.No.270/6, Vaazhavandankottai, Thuvakudi, Trichy measuring about 3 acres within a reasonable period of time to be stipulated by this Court.

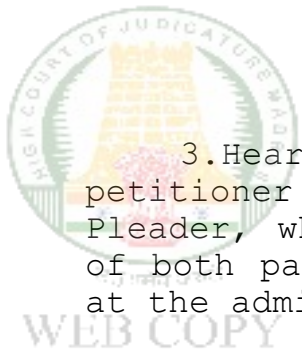
For Petitioner :Mr.P.Ganapathi Subramanian

For Respondents :Mr.D.Sasikumar
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to direct the respondents to cancel the patta issued in favour of 25 persons for the property comprised in S.F.No.270/6, Vaazhavandankottai, Thuvakudi, Trichy measuring about 3 acres based on the petitioner's representation, dated 07.09.2021, within a time frame to be fixed by this Court.

2.The case of the petitioner is that he is the son of Leela, in whose favour an assessment has been made on 14.08.1972 for the aforementioned property by the Government of Tamil Nadu. The assessment was made for widows of service men, who died in India-Pakistan war. According to the petitioner, his mother, Leela, died on 14.03.1975 and thereafter, he became entitled to the aforementioned property. It is the case of the petitioner that arbitrarily and illegally, Patta No.1178, dated 27.08.2021 has been issued in favour of 25 persons. Therefore, the petitioner has given a representation, dated 07.09.2021 to the respondents seeking for cancellation of Patta No.1178, dated 27.08.2021. Since the representation has not been considered till date, this Writ Petition has been filed.



3. Heard Mr.P.Ganapathi Subramanian, learned Counsel for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The petitioner has filed in the typed set of papers, the details of alleged assessment in favour of the petitioner's mother, Leela. It is the case of the petitioner that under the assessment, which was given to war widows, his mother got assessment as the petitioner's father was a service man in the Indian Army and had participated in the India-Pakistan war. The petitioner has given a representation on 07.09.2021 seeking for cancelation of Patta No.1178, issued in the names of the 25 persons, which according to the petitioner, has been arbitrarily and illegally issued, despite the fact that the petitioner being the legal heir of deceased Leela, is alone entitled to claim ownership over the property mentioned supra. Since, the representation seeking cancellation of Patta No.1178, dated 27.08.2021, has not been considered, the petitioner has approached this Court.

5. No prejudice would be caused to the respondents, if the petitioner's representation, dated 07.09.2021 is considered on merits and in accordance with law after affording a fair hearing to the petitioner as well as the 25 persons, in whose name Patta No.1178, dated 27.08.2021 stands.

6. Therefore, this Court directs the second respondent to consider the petitioner's representation, dated 07.09.2021 seeking for cancelation of Patta No.1178, dated 27.08.2021 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner as well as 25 persons, in whose name, Patta No.1178, dated 27.08.2021 stands, within a period of four months from the date of receipt of a copy of this order.

7. With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

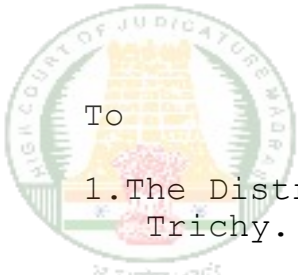
Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

cmr



To

1.The District Collector,
Trichy.

2.The Revenue Divisional Officer,
Trichy.

3.The Tahsildar,
Tiruverumbur, Trichy.

+1 CC to M/s.SPL GP (SR-5904[F] dated 14/02/2022)

W.P. (MD)No.2846 of 2022
11.02.2022

RK(25/02/2022) 3P 5C