



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3656 of 2022

V.Nagarajan

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai,
Sivagangai District.

3.The Tahsildar,
Kalaiyarkovil,
Sivagangai District.

4.V.Velayee

5.V.Kannadasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.2 to dispose of the petitioner's representation received by them dated 29.11.2021 according to law within a stipulated period.

For Petitioner : Mr.P.Aju Tagore
For Respondents 1 to 3 : Mr.T.Amjad Khan
Government Advocate

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to dispose of the petitioner's representation dated 29.11.2021 seeking for cancellation of patta issued in favour of the fourth and fifth respondents.

2.According to the petitioner, he is the absolute owner of the property referred to in his representation dated 29.11.2021 which was subsequently transferred in the name of the fourth and fifth respondents behind his back and without his knowledge in the year 2006. The fourth respondent is his sister and the fifth respondent is his nephew. The petitioner has given a representation on 29.11.2021 to the official respondents seeking for cancellation of the patta issued in the name of the fourth and fifth respondents.



Since the said representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.P.Aju Tagore, learned Counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of respondents 1 to 3.

4. According to learned Government Advocate appearing for the official respondents, the patta was issued in favour of the fourth and fifth respondents in the year 2006 itself based on their possession. However, since the petitioner has not produced any documents before the third respondent, the third respondent is unable to proceed further in the enquiry proceedings on the petitioner's representation dated 29.11.2021. The said statement is recorded.

5. However, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representation dated 29.11.2021 seeking for cancellation of patta which is now standing in the name of the fourth and fifth respondents is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner and the respondents 4 and 5 including any other rival claimants.

6. Accordingly, this Court directs the second respondent to pass final orders on the petitioner's representation dated 29.11.2021 seeking for cancellation of patta which is now standing in the name of the fourth and fifth respondents within a period of twelve [12] weeks from the date of receipt of a copy of this order after affording a fair opportunity of hearing to the petitioner and the respondents 4 and 5 as well as other rival claimants if any.

7. With the aforesaid direction, the writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(AD-I)

// 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,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai,
Sivagangai District.

3.The Tahsildar,
Kalaiyarkovil,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-9181[F] dated 01/03/2022)

ORDER MADE IN
W.P. [MD]No.3656 of 2022
28.02.2022

VR (CO)

TR(17.03.2022) 3P 5C