



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3827 of 2022

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S.Aruljayasingh

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Having office at Collectorate Nagercoil,
Kanyakumari District,
Nagercoil.
2. The Revenue Divisional Officer,
Nagercoil,
Having office at Collectorate Nagercoil,
Kanyakumari District, Nagercoil.
3. The Tahsildar,
Agasteeswaram Taluk,
Having office at Collectorate Nagercoil,
Kanyakumari District, Nagercoil.
4. The Revenue Inspector,
(Kottaram East Village),
Having office at Collectorate Nagercoil,
Kanyakumari District,
Nagercoil.
5. The Village Administrative Officer,
Kottaram East Village,
Having office at Kottaram,
Kottaram Post,
Kanyakumari District.
6. Shahul Hameed

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, or any other appropriate writ or order or direction in the nature of writ directing the 3rd respondent to delete the name of 6th respondent which is wrongly added in patta No.4388 for Survey No.748/1, Agasteeswaram Taluk, Kanyakumari District by considering the petitioner's representation dated 22.11.2021 within the time stipulated by this Hon'ble Court.



For Petitioner : Mr.A.Mohamed Haneef
for Mr.M.P.Senthil
For Respondents : Mrs.S.Jeyapriya
Government Advocate
for R.1 to R.5

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O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to delete the name of the sixth respondent which according to the petitioner was wrongly added in Patta No.4388 for Survey No.748/1, Agasteeswaram Taluk, Kanyakumari District based on the petitioner's representation dated 22.11.2021 within a time frame to be fixed by this Court.

2.The case of the petitioner is that a joint patta No.4388 has been issued in the name of the petitioner and the sixth respondent wrongly. It is the case of the petitioner that the sixth respondent is not the owner of the property in Patta No.4388. In such circumstances, the petitioner has given a representation on 22.11.2021 to the third respondent seeking for deletion of the name of the sixth respondent in patta No.4388 for the property comprised in Survey No.748/1, Agasteeswaram Taluk, Kanyakumari District. According to the petitioner, he is the owner of the said property having purchased the same under a registered sale deed dated 13.09.1993.

3.Heard Mr.A.Mohamed Haneef for Mr.M.P.Senthil, learned Counsel for the writ petitioner and Mrs.S.Jeyapriya, learned Government Advocate who accepts notice on behalf of the respondents 1 to 5.

4.No prejudice would be caused to the respondents if the petitioner's representation dated 22.11.2021 seeking for deletion of the name of the sixth respondent in Patta No.4388 is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner as well as the sixth respondent.

5.Accordingly, this Court directs the third respondent to consider the petitioner's representation dated 22.11.2021 seeking for deletion of the name of the sixth respondent who according to the petitioner was wrongly added in Patta No.4388 for Survey No.748/1, Agasteeswaram Taluk, Kanyakumari District and pass final orders on merits and in accordance with law 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 sixth respondent.



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

Sd/-

Assistant Registrar(AS)

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// 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, Kanyakumari District,
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Having office at Collectorate Nagercoil,
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(Kottaram East Village),
Having office at Collectorate Nagercoil,
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5. The Village Administrative Officer,
Kottaram East Village,
Having office at Kottaram,
Kottaram Post, Kanyakumari District.

ORDER MADE IN

W.P. [MD]No.3827 of 2022

02.03.2022

IMS (CO)

TR(17.03.2022) 3P 6C