



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3977 of 2022

P.Subramanian

... Petitioner

/Vs./

1. The District Collector,
Tirunelveli District,
Collectorate, Kokkirakulam,
Tirunelveli.

2. The Tahsildar,
Palayamkottai Taluk,
Palayamkottai Taluk Office,
Tirunelveli District.

... Respondents

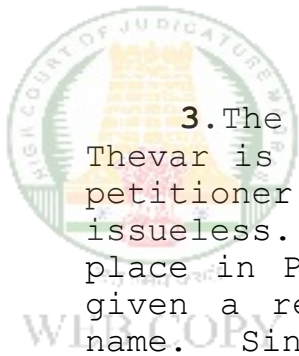
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to remove the name of Mr.Subbaiah, S/o.Ramaiah from Patta No.814 in Muthur Village, Palayamkotai Taluk, based on the representation dated 19.08.2021.

For Petitioner : Mr.B.Char Murugan
For Respondents : Ms.S.Jeyapriya
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to remove the name of Mr.Subbaiah, S/o.Ramaiah from Patta No.814 in respect of the property situated at Muthur Village, Palayamkotai Taluk, based on the representation dated 19.08.2021, within a time frame to be fixed by this Court.

2.It is the contention of the petitioner that earlier by impersonation, a sale deed came to be executed on 23.09.2013 in the name of Mr.Masanam Thevar. Thereafter, Mr.Masanam Thevar has executed a sale deed on 04.10.2013 in favour of Mr.Subbaiah, S/o.Ramaiah. Thereafter, Mr.Subbaiah, S/o.Ramaiah knowing that Mr.Masanam Thevar did not have title over the property, cancelled the sale deed executed in his favour by a cancellation deed dated 15.02.2017.



3.The petitioner recognized that his brother, Mr.Pitchaiah Thevar is the owner of the said property. It is represented by the petitioner that his brother, Mr.Pitchaiah Thevar died on 03.07.2007 issueless. Since the name of Mr.Subbaiah, S/o.Ramaiah still finds a place in Patta No.814 for the subject property, the petitioner has given a representation on 19.08.2021 seeking for removal of that name. Since the representation has not been considered till date, the petitioner has filed this writ petition.

4.Heard Mr.B.Char Murugan, learned Counsel for the writ petitioner and Ms.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the respondents.

5.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, Mr.Subbaiah, S/o.Ramaiah and any other necessary parties.

6.The petitioner has filed documents, namely, a copy of the cancellation deed dated 15.02.2017, a copy of patta No.814, dated 18.06.2021 and a copy of the encumbrance certificate, dated 19.08.2021 along with this writ petition. These documents will have to be considered by the second respondent before passing final orders on the petitioner's representation dated 19.08.2021.

7.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 19.08.2021 seeking for removal of the name of Mr.Subbaiah, S/o.Ramaiah from Patta No.814 in Muthur Village, Palayamkotai Taluk, after affording a fair hearing to the petitioner, Mr.Subbaiah, S/o.Ramaiah and any other necessary parties, whom the second respondent deems fit to enquire, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

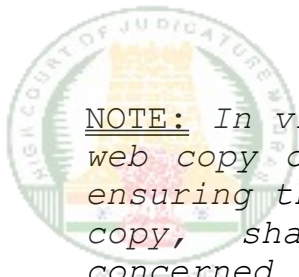
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar



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.

WEB COPY

To

1. The District Collector,
Tirunelveli District,
Collectorate,
Kokkirakulam,
Tirunelveli.
2. The Tahsildar,
Palayamkottai Taluk,
Palayamkottai Taluk Office,
Tirunelveli District.

+1 CC to M/s.B.CHAR MURUGAN, Advocate (SR-10031[F] dated 04/03/2022)

order made in
W.P.[MD]No.3977 of 2022
Dated:04.03.2022

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MS/18.03.2022/3P.4C