



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4613 of 2022

K.Mokkaraj

... Petitioner

/Vs./

1.The District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
Usilampatti Taluk,
Madurai District.

3. The Tahsildar,
Usilampatti Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to cancel the patta with regard to the property in R.S.No.516/6A admeasuring 0.20.0 Ares, R.S.No.517/7 admeasuring 0.02.0 Ares and R.S.No. 517/8 admeasuring 0.11.5 Ares of Thottappanayakanur Village, Usilampatti Taluk, Madurai District now stands in the name of third parties and transfer the same in the name of the petitioner.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to cancel the patta with regard to the properties in R.S.No.516/6A admeasuring 0.20.0 Ares, R.S.No.517/7 admeasuring 0.02.0 Ares and R.S.No. 517/8 admeasuring 0.11.5 Ares of Thottappanayakanur Village, Usilampatti Taluk, Madurai District, which now stands in the names of third parties and transfer the same in the name of the petitioner, based on the petitioner's



representations dated 19.06.2019, 08.07.2019 and 24.02.2022, within a time frame to be fixed by this Court.

2.The case of the petitioner is that his father, P.Karuppanan, was the absolute owner of the aforementioned properties. Patta was also issued in his name for the subject properties in Patta No.2274. His father died in the year 2012. However, it is also the case of the petitioner that without any notice, arbitrarily and illegally, patta standing in the name of the petitioner's father, P.Karuppanan was cancelled and thereafter, fresh patta was issued to third parties. To rectify the error, the petitioner has given the aforementioned representations seeking for re-issuance of patta in the name of the petitioner and other legal heirs of the deceased P.Karuppanan. Since the representations have not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.C.T.Perumal, learned Counsel for the writ petitioner and Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4.The petitioner has produced a copy of the patta for the aforementioned property standing in the name of the petitioner's father along with this writ petition. It is his case that patta has been cancelled arbitrarily and illegally and it has been issued to various third parties. He has given representations for re-issuance of patta in the name of the petitioner and his family members. Admittedly, the said representations have not been considered till date.

5.No prejudice would be caused to the respondents, if the representations of the petitioner are considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other parties, in whose names presently patta stands.

6.Accordingly, this Court directs the second and third respondents to consider the petitioner's representations dated 19.06.2019, 08.07.2019 and 24.02.2022 requesting them to cancel the patta issued to the third parties with regard to the properties in R.S.No.516/6A admeasuring 0.20.0 Ares, R.S.No.517/7 admeasuring 0.02.0 Ares and R.S.No. 517/8 admeasuring 0.11.5 Ares of Thottappanayakanur Village, Usilampatti Taluk, Madurai District, which is standing in the name of the third parties and transfer the same in the name of the petitioner and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, other parties in whose names patta stands, as well as any other necessary party, 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.



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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Usilampatti Taluk,
Madurai District.
3. The Tahsildar,
Usilampatti Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-12729[F] dated 17/03/2022)

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-12669[F] dated 17/03/2022)

order made in
W.P.[MD]No.4613 of 2022
16.03.2022

PKP/28.03.2022/3P/6C