



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.4765 of 2022

S.Chinnasamy

... Petitioner

vs.

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

3.The Tahsildar,
Narikudi, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to conduct the enquiry over the issue of patta Nos.734, 742 and 828 against the petitioner's property which is situated in Survey No.33/5D2 at Veerakudi Group Village, Thiruchuli Taluk, Virudhunagar District and consider his representation dated 02.03.2022 .

For Petitioner :Mr.S.Sivakumar

For Respondents :Mr.M.Lingadurai

Special Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to cancel the patta Nos.734, 742 and 828 issued in favour of the respective persons in respect of the petitioner's property which is situated in Survey No.33/5D2 at Veerakudi Group Village, Thiruchuli Taluk, Virudhunagar District based on the petitioner's representation dated 02.03.2022.

2.According to the petitioner, patta Nos.734, 742 and 828 for the aforementioned property have been issued illegally by the third respondent. The petitioner has given a representation to the respondents seeking for cancellation of the said patta. Since the said representation has not been considered till date, he has filed this Writ Petition.

3.Under the Tami Nadu Patta Pass Book Act, 1983, any person, aggrieved by the issuance of patta will have to challenge the same before the second respondent. In the case on hand, it has not been done so, instead, only a representation has been given by the petitioner to the respondents.



4.The learned Counsel for the petitioner would now submit that the petitioner is willing to file a statutory appeal as against the issuance of patta Nos.734, 742 and 828 by the third respondent. The said statement is recorded. However, the learned Counsel for the petitioner seeks for a direction from this Court to the second respondent to dispose of the statutory appeal as and when it is filed within a time frame to be fixed by this Court. The said statement is also recorded.

5.After recording the submissions made by the learned respective Counsels, this Court directs the petitioner to file a statutory appeal as against the issuance of patta Nos.734, 742 and 828 before the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said statutory appeal, the second respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties, whom the second respondent deems fit to enquire including the persons, in whose names patta Nos.734, 742 and 828 stand, within a period of three months from the date of receipt of a copy of this order.

6.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

3.The Tahsildar,
Narikudi, Virudhunagar District.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-12905[F] dated 18/03/2022)

+1 CC to M/s.SPL GP (SR-12990[F] dated 18/03/2022)

Order made in
W.P. (MD)No.4765 of 2022
17.03.2022

nsn(CO)

TR(28.03.2022) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>