



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4878 of 2022

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Chinnadurai

... Petitioner

/Vs./

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

4.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

5.Sudalaikan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to issue patta in the name of the petitioner, petitioner's mother, Lakshmi, brother, Sudalaikan and Sister, Uchi Mahali by deleting the name of 5th respondent from the patta bearing Nos.1218 and 1712 with regard to the property admeasuring cents 5 in Survey No.589/1A, Cents 50 in Survey No.589/1B, cents 50 in Survey No.589/1C, cents 2.06 in Survey No.589/1D, cents 95 in Survey No.589/2, Acre 1 cents 24 in Survey No.589/5, Acre 1 cents 52 in Survey No.590/2, cents 57 in Survey No.590/3, cents 3 in Survey No.590/5A and Acre 1 cents 71 in Survey No.590/5B at Vadakku Veppilankulam Part I Village, Radhapuram Taluk, Tirunelveli District by considering the petitioner's representation dated 26.08.2021.

For Petitioner

: Mr.S.R.Anbarasu

For R1 to R4

: Mr.D.Sasikumar

Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the respondents 1 to 4 to issue patta in the name of the petitioner, petitioner's mother, Lakshmi, brother, Sudalaikan and Sister, Uchi Mahali by deleting the name of 5th respondent from the patta bearing Nos.1218 and 1712 with regard to the properties, admeasuring cents 5 in Survey No.589/1A, Cents 50 in Survey No.589/1B, cents 50 in Survey No.589/1C, cents 2.06 in Survey No.589/1D, cents 95 in Survey No.589/2, Acre 1 cents 24 in Survey No.589/5, Acre 1 cents 52 in Survey No.590/2, cents 57 in Survey No.590/3, cents 3 in Survey No.590/5A and Acre 1 cents 71 in Survey No.590/5B at Vadakku Veppilankulam Part I Village, Radhapuram Taluk, Tirunelveli District, based on the petitioner's representation dated 26.08.2021, within a time frame to be fixed by this Court.

2.The petitioner claims that he and his family members are in possession and enjoyment of the aforementioned properties as absolute owners. The petitioner has filed a copy of the sale deed dated 25.03.1991 standing in the name of the petitioner's father, Mr.Sivarama Thevar. According to him, after UDR survey, patta Nos.1218 and 1712 have been issued in the name of the fifth respondent. In such circumstances, the petitioner has given a representation on 26.08.2021 to the official respondents calling upon them to cancel the pattas standing in the name of the fifth respondent and issue fresh pattas in the name of the petitioner and his family members referred to supra. Since the said representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.S.R.Anbarasu, learned Senior Counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader appearing for the official respondents.

4.No prejudice would be caused to the official respondents, if the petitioner's representation dated 26.08.2021 seeking for issuance of patta in the name of the petitioner and his family members referred to supra, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the fifth respondent, in whose name presently the pattas stand for.

5.Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 26.08.2021 requesting for issuance of patta in the name of the petitioner, petitioner's mother, Lakshmi, brother, Sudalaikan and Sister, Uchi Mahali by deleting the name of 5th respondent from the patta Nos.1218 and 1712 with regard to the aforementioned properties and pass final orders, on merits and in accordance with law, after affording a fair hearing to the petitioner, the fifth respondent, in whose name presently the pattas stand for and 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.

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

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The District Revenue Officer,
Tirunelveli District, Tirunelveli.

3. The Sub-Collector,
Cheranmahadevi, Tirunelveli District.

4. The Tahsildar,
Radhapuram Taluk, Tirunelveli District.

+1 CC to M/s.S.R.ANBARASU, Advocate (SR-13117[F] dated 21/03/2022)

+1 CC to M/s.SPL GP (SR-13192[F] dated 21/03/2022)

order made in
W.P.[MD]No.4878 of 2022
18.03.2022

PKP/28.03.2022/3P/7C