



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4904 of 2022

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Kannan

... Petitioner

/Vs./

1.The Sub Collector,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.Chandra

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to consider and pass orders on the petitioner's representation dated 05.01.2021 to cancel the Patta issued in favour of the 3rd respondent in respect of the property, namely housing plot measuring to an extent of 5462 sq.feet in Plot No.3 comprised in Survey No.399/1A1 at Kothaimangalam village, Palani Taluk, Dindigul District and mutate the same into his name.

For Petitioner : Mr.T.Lenin Kumar

For R1 & R2 : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the second respondent to consider the petitioner's representation dated 05.01.2021 requesting the second respondent to cancel the Patta issued in favour of the 3rd respondent for the property, being housing plot measuring to an extent of 5462 sq.feet in Plot No.3 comprised in Survey No.399/1A1 at Kothaimangalam village, Palani Taluk, Dindigul District and mutate the same in the name of the petitioner thereafter, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he purchased the aforementioned property under the sale deed dated 10.07.1984. However, when he applied for patta on 05.01.2021, he came to know that the very same property has been wrongly issued in the



name of the third respondent. Therefore, he has given a representation to the second respondent to cancel the patta issued in favour of the third respondent. Since the said representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.T.Lenin Kumar, learned Senior Counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the official respondents.

4. At the outset, the learned Government Advocate appearing for the official respondents, would submit that patta can be cancelled only by the first respondent. But, the representation given by the petitioner has been given to the second respondent.

5. The learned counsel appearing for the petitioner submits that the petitioner is willing to submit a fresh representation to the first respondent seeking for cancellation of patta wrongly issued in the name of the third respondent. The said statement is recorded.

6. No prejudice would be caused to the official respondents, if the representation of the petitioner seeking for cancellation of patta wrongly issued in the name of the third respondent is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, the third respondent as well as any other necessary party, whom the first respondent deems fit to enquire.

7. The petitioner has filed a copy of the sale deed dated 10.07.1984 standing in his name for the aforementioned property in support of his contention that he is the absolute owner of the aforementioned property. He has also produced a copy of the kist receipt for the subject property standing in his name. All these documents will have to be considered by the first respondent, while considering the petitioner's request for cancellation of patta, which is now standing in the name of the third respondent.

8. Accordingly, this Court directs the petitioner to submit a fresh representation to the first respondent, within a period of one (1) week from the date of receipt of a copy of this order requesting the first respondent to cancel the patta for the property, being housing plot measuring to an extent of 5462 sq.feet in Plot No.3 comprised in Survey No.399/1A1 at Kothaimangalam village, Palani Taluk, Dindigul District, and to mutate the same in his name, and on receipt of such representation, the first respondent is directed to pass final orders, on merits and in accordance with law, after affording a fair hearing to the petitioner, the third respondent as well as any other necessary party, whom the first respondent deems fit to enquire, within a period of three [3] months from the date of receipt of the representation from the petitioner.



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9. 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 Sub Collector,
Palani, Dindigul District.

2. The Tahsildar,
Palani Taluk, Dindigul District.

+1 CC to M/s.SPL GP (SR-13487[F] dated 22/03/2022)

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21.03.2022

SVS(CO)

KB(31.03.2022) 3P 4C