



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.4910 of 2022

WEB COPY

Natarajan

... Petitioner

Vs.

1.The Sub Collector,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.Sahul Hameed

...Respondents

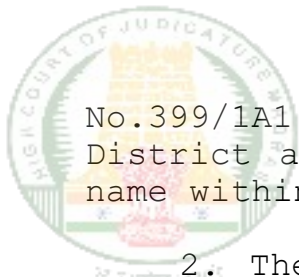
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider and pass orders on the petitioner's representation dated 03.01.2021 to cancel the patta issued in favour of the third respondent in respect of the properties namely housing plots measuring to an extent of 5667 square feet and 3805 ½ square feet in Plot Nos.14 and 16 respectively comprised in Survey No.399/1A1 at Kothaimangalam Village, Palani Taluk, Dindigul District and mutate the same into the petitioner and his sister name.

For Petitioner : Mr.T.Lenin Kumar

For R-1 and R-2 : Mr.M.Lingadurai,
Special Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to consider and pass orders on the petitioner's representation dated 03.01.2021 requesting the second respondent to cancel the patta issued in favour of the third respondent in respect of the properties, namely, housing plots measuring an extent of 5667 square feet and 3805 ½ square feet in Plot Nos.14 and 16 respectively, comprised in Survey



No.399/1A1 at Kothaimangalam Village, Palani Taluk, Dindigul District and mutate the same into the petitioner and his sister's name within a time frame to be fixed by this Court.

2. The case of the petitioner is that erroneously, patta has been issued in the name of the third respondent for the said property, though the said property is owned by the petitioner and his sister, Rajeswari. In such circumstances, he has preferred a statutory appeal before the second respondent seeking for cancellation of the patta on 03.01.2021. Since the statutory appeal has not been disposed of till date, he has filed this Writ Petition seeking for early disposal.

3. Heard Mr.T.Lenin Kumar, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the first and second respondents.

4. Any statutory appeal seeking for cancellation of patta will have to be filed before the first respondent, but by mistake, the petitioner has preferred the statutory appeal before the second respondent.

5. Learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to file a fresh statutory appeal before the first respondent aggrieved by the issuance of patta in the name of the third respondent. The said statement is recorded.

6. No prejudice would be caused to the respondents, if the petitioner's statutory appeal is considered on merits and final orders are passed, after affording a fair hearing to the petitioner and the third respondent as well as any other necessary party, whom the first respondent deems fit to enquire.

7. For the foregoing reasons, the petitioner is directed to file a fresh statutory appeal before the first respondent seeking for cancellation of patta issued in favour of the third respondent in respect of the properties, namely, housing plots measuring an extent of 5667 square feet and 3805 ½ square feet in Plot Nos.14 and 16 respectively, comprised in Survey No.399/1A1 at Kothaimangalam Village, Palani Taluk, Dindigul District and mutate the same into the names of the petitioner and his sister, Rajeswari, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the said statutory appeal, the first respondent is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the third respondent and any other necessary party, whom the first respondent deems fit to enquire, within a period of three (3) months thereafter.



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

Sd/-

Assistant Registrar (AD-II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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.

To

1.The Sub Collector,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-13473[F] dated 22/03/2022)

**ORDER MADE IN
W.P. (MD) .No.4910 of 2022
21.03.2022**

PKP/28.03.2022/3P/4C