



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6348 of 2022

WEB COPY

S.Raja

.. Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to delete the names of Mr.Ganapathi and Mrs.Jeyalaksmi in the patta in Patta No.30 and issue patta to the petitioner in respect of the property in Survey No. 523/1, Poolam Village, Nanguneri Taluk, Tirunelveli District, by considering his representation, dated 12.11.2021, within a time that may be fixed by this Court.

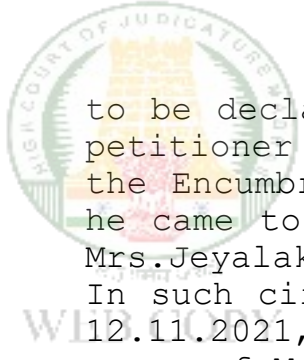
For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to delete the names of Mr.Ganapathi and Mrs.Jeyalakshmi in patta No.30 and issue fresh patta to the petitioner in respect of the property in Survey No. 523/1, Poolam Village, Nanguneri Taluk, Tirunelveli District, based on the petitioner's representation, dated 12.11.2021, within a time frame to be fixed by this Court.

2.The case of the petitioner is that he is the absolute owner of the aforementioned property. However, according to him, fraudulently, Mr.Ganapathi and Mrs.Jeyalakshmi, had got a settlement deed executed in their favour. The petitioner had also filed a civil suit, challenging the said settlement deed and by Judgment and Decree, dated 11.12.2017, in O.S.No.146 of 2016, passed by the learned Additional District Munsif, Nanguneri, the said settlement deed standing in the name of Mr.Ganapathi and Mrs.Jeyalakshmi, came



to be declared as null and void. It is also the contention of the petitioner that the judgment and decree has also been reflected in the Encumbrance Certificate. However, according to the petitioner, he came to know that in patta No.30, the names of Mr.Ganapathi and Mrs.Jeyalakshmi have also been included along with the petitioner. In such circumstances, the petitioner has given a representation on 12.11.2021, to the respondents, calling upon them to delete the names of Mr.Ganapathi and Mrs.Jeyalakshmi in patta No.30. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.K.Navaneetharaja, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents.

4.The petitioner has filed documents along with this writ petition to substantiate his case that the names of Mr.Ganapathi and Mrs.Jeyalakshmi will have to be deleted from patta No.30. It is for the respondents to examine the same on merits and in accordance with law.

5.No prejudice will be caused to the respondents, if the petitioner's representation, seeking for deletion of the names in patta No.30 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and Mr.Ganapathi and Mrs.Jeyalakshmi and any other necessary party, whom the second respondent deems fit to enquire.

6.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation, dated 12.11.2021, seeking for deletion of names of Mr.Ganapathi and Mrs.Jeyalakshmi in patta No.30 and issue fresh patta to the petitioner in respect of the property in Survey No. 523/1, Poolam Village, Nanguneri Taluk, Tirunelveli District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as Mr.Ganapathi and Mrs.Jeyalakshmi, including granting them the right of personal hearing and any other necessary party, whom the second respondent deems fit to enquire, within a period of four months from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

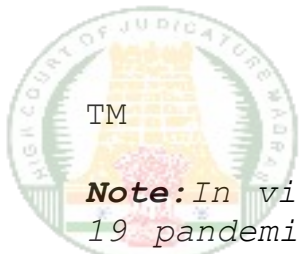
Sd/-

Assistant Registrar(AS)

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/ /2022

Sub Assistant Registrar(CS)



TM

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 District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-17144[F] dated 07/04/2022)

W.P. (MD)No.6348 of 2022

06.04.2022

ck(CO)

TR(22.04.2022) 3P 4C