



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7353 of 2022

1.N.Kailasam
2.N.Logeswaran
3.N.Thavusumani
4.N.Karthigai Rajan

... Petitioners

/Vs./

1.The District Collector,
Thiruchirappalli District.

2.The Revenue Divisional Officer,
Musiri & Taluk,
Thiruchirappalli District.

3.The Tahsildar,
Thottiyam Taluk Office,
Thiruchirappalli District.

4.The Village Administrative Officer,
Natham,
Thottiyam Taluk,
Trichirappalli District.

5.N.Dharmaraj

... Respondents

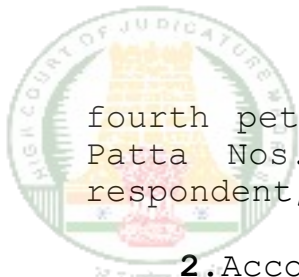
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 to 4 herein to conduct the enquiry in pursuant to the notices in A1/1724/2021 dated 03.09.2021 and the 3rd respondent's report in Na.Ka.No.A1/77/2021 dated 18.01.2021 and to cancel the Patta No.775, 256 and Patta No.2124 issued in favour of 5th respondent Dharmaraj and to grant Joint Patta in favour of the petitioners herein and the 5th respondent herein in respect of land situated in the above said Village within time limit stipulated by this Court.

For Petitioners	: Mr.N.Sudhagar Nagaraj
For R1 to R4	: Mr.M.Lingadurai
	Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 to 4 herein to conduct the enquiry and pass orders with regard to the representation given by the

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fourth petitioner dated 14.06.2021 seeking for cancellation of the Patta Nos.775, 256 and Patta No.2124 issued in favour of 5th respondent, within a time frame to be fixed by this Court.

2. According to the petitioners, patta Nos.775, 256 and 2124 have been wrongly issued in the name of the fifth respondent, who is the son of the first petitioner. The remaining petitioners are the other children of the first petitioner. The petitioners seek for cancellation of the aforementioned pattas issued in favour of the fifth respondent and under those circumstances, one of the petitioners has given a representation on 14.06.2021 to the official respondents calling upon them to cancel the pattas issued in favour of the fifth respondent. Enquiry notices have also been issued as seen from the affidavit in respect of this writ petition by the official respondents calling upon the parties to come for enquiry. Since no orders have been passed till date, the petitioners have filed this writ petition.

3. Heard Mr.N.Sudhagar Nagaraj, learned Counsel for the writ petitioners and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the official respondents.

4. The petitioners have filed documents including copies of pattas, which require to be cancelled, along with this writ petition. According to the petitioners, the subject property is an ancestral property and no exclusive patta can be issued in favour of the fifth respondent. It is their case that fraudulently, he has obtained patta exclusively. The petitioners seek for cancellation of the said pattas presently standing in the name of the fifth respondent. The fourth petitioner has given a representation dated 14.06.2021 to the official respondents seeking for cancellation.

5. No prejudice would be caused to the second respondent, if the fourth petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioners, the fifth respondent and any other necessary party, whom the second respondent, who is the competent authority to pass orders with regard to the cancellation of pattas, deems fit to enquire.

6. For the foregoing reasons, this Court directs the second respondent to pass final orders on the fourth petitioner's representation dated 14.06.2021 seeking for cancellation of Patta Nos.775, 256 and 2124 presently standing in the name of the fifth respondent, after affording a fair hearing to the petitioners, the fifth respondent and any other necessary party, whom the second respondent deems fit to enquire, including granting them the right of personal hearing within a period of four (4) months from the date of receipt of a copy of this order. The petitioners are permitted to produce all the relevant documents before the second respondent



during the course of enquiry.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Thiruchirappalli District.
2. The Revenue Divisional Officer,
Musiri & Taluk,
Thiruchirappalli District.
3. The Tahsildar,
Thottiyam Taluk Office,
Thiruchirappalli District.
4. The Village Administrative Officer,
Natham,
Thottiyam Taluk,
Trichirappalli District.

+1 CC to M/s.N. SUDHAGAR NAGARAJ, Advocate (SR-20171[F] dated 21/04/2022)

+1 CC to M/s.SPL.G.P (SR-20307[F] dated 21/04/2022)

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RD(09.05.2022) 3P 7C