



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7178 of 2022

K.Sundaram

... Petitioner

/Vs./

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Collectorate, Madurai District.

3.The Tahsildar,
Virattipathu, Theni Main Road,
Madurai.

4.Palani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to conduct an inquiry and cancel the patta No.747 and 1652 over the properties of 8 cents is situated in Survey Nos.155/2, 155/3, 157/1 at Kodimangalam Village, Madurai West Taluk, Madurai District and consider the petitioner's representation dated 18.03.2022.

For Petitioner : Mr.S.Sivakumar
For R1 to R3 : Mr.M.Lingadurai,
Special Government Pleader.

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to conduct an inquiry and cancel the patta Nos.747 and 1652 over the properties of 8 cents in Survey Nos.155/2, 155/3, 157/1 situated at Kodimangalam Village, Madurai West Taluk, Madurai District, based on the petitioner's representation dated 12.03.2022.

2.Aggrieved by the issuance of patta Nos.747 and 1652 for the aforementioned properties, the petitioner has given a representation dated 12.03.2022 to the official respondents seeking for cancellation of the said pattas. Since the said representation has not been considered till date, the petitioner has filed this writ petition.



3. Heard Mr.S.Sivakumar, learned Counsel for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the official respondents.

4. According to the petitioner, Patta Nos.747 and 1652 have been issued erroneously in favour of the fourth respondent. The petitioner therefore seeks for cancellation of the said pattas. He has given a representation on 12.03.2022 for the said purpose. Admittedly, the said representation has not been considered till date.

5. Even though under the Tamil Nadu Patta Passbook Act, 1983, a statutory appeal will have to be filed before the Revenue Divisional Officer, if any person is aggrieved by issuance of patta by the Tahsildar, instead of filing the statutory appeal, the petitioner has given a representation.

6. This Court is of the considered view that no prejudice would be caused to the second respondent, if the petitioner's representation dated 12.03.2022 is considered as a statutory appeal and it is disposed of within a time frame to be fixed by this Court, after affording a fair hearing to the petitioner, the fourth respondent as well as any other necessary party, whom the second respondent deems fit to enquire.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 12.03.2022 as a statutory appeal and pass final orders on the petitioner's statutory appeal seeking for cancellation of the patta Nos.747 and 1652 in respect of the properties of 8 cents in Survey Nos.155/2, 155/3, 157/1 at Kodimangalam Village, Madurai West Taluk, Madurai District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, the fourth respondent as well as any other necessary party, whom the second respondent deems fit to enquire. The petitioner is directed to submit all the relevant documents before the second respondent.

8. 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)



To

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Collectorate, Madurai District.

3.The Tahsildar,
Virattipathu, Theni Main Road,
Madurai.

+1 CC to M/s.S. SIVA KUMAR, Advocate (SR-19104[F]
dated 18/04/2022)

+1 CC to M/s.SPL.GP (SR-19548[F] dated 19/04/2022)

order made in

W.P. [MD]No.7178 of 2022

Dated:

18.04.2022

SG(CO)

GC(05.05.2022) 3P 6C