



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.7356 of 2022

R.K.Kanagaraj

.. Petitioner

Vs

1. The District Collector,
Tirunelveli District,
Collectorate, Tirunelveli.

2. The District Revenue Officer,
Office of District Revenue Office,
Cheranmahadevi,
Tirunelveli District.

3. The Tahsildar,
Cheranmahadevi Taluk,
Cheranmahadevi,
Tirunelveli District.

4. Vellaidurai

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 3 to consider the petitioner's representation, dated 25.03.2022, within the time stipulated by this Court.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.B.Saravanan for R1 to R3
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 and 3 to consider the petitioner's representation, dated 25.03.2022, seeking for cancellation of patta issued in favour of Nesamani Ammal, who is the grandmother of the 4th respondent, in respect of S.No.79/10, measuring an extent of 15 cents at Mukkoodal Village, Cheranmahadevi Taluk, Tirunelveli District.



2. According to the petitioner, the classification of the land has now also been converted from punja land to natham land by the Revenue Authorities, without any notice to the petitioner. The petitioner has filed documents along with this writ petition in respect of his contention that he is the absolute owner of the property comprised in S.No.79/10, measuring an extent of 15 cents. The petitioner has given a representation on 25.03.2022, to the respondents 2 and 3 to reclassify the land as natham land and cancel the patta issued in respect of S.No.79/10 measuring an extent of 15 cents in favour of Nesamani Ammal, the grandmother of the 4th respondent. Since his representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.D.Venkatachalam, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4. No prejudice will be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the 4th respondent and any other necessary party, whom the second respondent deems fit to enquire. The petitioner has filed documents along with the writ petition to substantiate his case. It is for the second respondent to consider the same on merits and in accordance with law.

5. The petitioner's contention is that he is the absolute owner of the land comprised in S.No.79/10 measuring an extent of 15 cents, in Mukkoodal Village, Cheranmahadevi Taluk, Tirunelveli District. But erroneously patta has been issued in the name of Nesamani Ammal, the grandmother of the 4th respondent. It is also the contention of the petitioner that the land has been wrongly reclassified by the Revenue Authorities from Ayan Punja land to Natham land. Only under the aforementioned circumstances, the petitioner has given a representation to the respondents 2 and 3 as stated supra.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation, dated 25.03.2022, seeking for cancellation of patta in respect of the land comprised in S.No.79/10, measuring an extent of 15 cents, standing in the name of Nesamani Ammal and also consider reclassification of the land back as punja land in place of natham land and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the fourth 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 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 (CS-I)

// True Copy //

/ /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,
Collectorate, Tirunelveli.
2. The District Revenue Officer,
Office of District Revenue Office,
Cheranmahadevi, Tirunelveli District.
3. The Tahsildar,
Cheranmahadevi Taluk,
Cheranmahadevi, Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-20119[F] dated 21/04/2022)

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20.04.2022

USK/06.05.2022/3P/5C