



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.10.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21754 of 2022

N.Avadiammal

..Petitioner

Vs

1.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

2.The Tahsildar,
Service Road,
G.T.Nagar,
Virudhunagar – 626 001.

3.The Village Administrative Officer,
Kandappankulam,
Mettukundu Post,
Palavanatham Via,
Virudhunagar District – 626 004. `

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to consider the Petitioner's representation, dated 21.12.2020 for cancellation of patta No.807, on the file of the second respondent.

For Petitioner :Ms.M.Padmavathy
for M/s.S.Prem Narayan

For Respondents :Mr.D.Gandhiraj
1 to 3 Special Govt.Pleader

**ORDER**

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This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the first respondent to consider the Petitioner's representation, dated 21.12.2020 for cancellation of patta No.807, on the file of the second respondent.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that Mr.Chinna Mari Reddiar is the father of the Petitioner's deceased husband Mr.Narayanan Reddiar. The said Chinna Mari Reddiar had two wives and through the first wife he got two sons namely, M.Ramasamy and Mr.Narayana Reddiar and through his second wife, he got two sons and a daughter namely Arokiam, Rajendran and Sakunthala. The property comprised in Old Natham Survey Number 313/8, New Survey No.314/7D4, Sl.No.9, Nakkalakottai Village, Virudhunagar Taluk and District measuring 7.5 cents was jointly inherited by the Petitioner's deceased husband Narayanan Reddiar and his brother M.Ramasamy vide partition deed, dated 2.9.1968 registered as Document No.1603 of 1998 on the file of Sub-Registrar, Virudhunagar.The partition deed was executed by Periyamari Reddiar, who is the brother of the deceased husband's grand-father, Narayanan Reddiar, M.Ramasamy, Arokiam and Rajendran,who is a minor, represented by Arokiam. During



partition 'A' schedule property was allotted to Periyamari Reddiar and 'B' schedule property was allotted to the Petitioner's husband Narayanan Reddiar and his brother M.Ramasamy and the 'C' schedule property was allotted jointly to Arokiam and Rajendran. 'B' Schedule property consists of Old Natham Survey Number 313/8, New Survey No. 314/7D4, Sl.No.9, Nakkalakottai Village, Virudhunagar Taluk and District measuring 7.5 cents. The property in 'A' and 'C' schedule property are adjoining to 'B' schedule property. While so, Rajendran to whom 'C' schedule property was allotted, forged the documents and obtained patta in Patta No. 807 for the properties comprised in Schedule 'B' and 'C'. Coming to know about the same, the Petitioner and M.Ramasamy, who is the brother of the deceased Narayanan Reddiar submitted a representation to the first respondent on 21.12.2020 to cancel the patta No. 807 issued in favour of Rajendran.

4. During the pendency of the representation, dated 21.12.2020, the said Rajendran mortgaged the property to one P. Pandiraj. Thereafter the said Rajendran and M.Ramasamy expired and Azhagumariraj and Punith Devi, who are the son and daughter of the said Rajendran redeemed the properties and tried to sell the entire land which is allotted to the Petitioner's husband and M.Ramasamy to some third parties. Since the representation submitted by the Petitioner's husband and M.Ramasamy was not considered so far, the Petitioner has come



forward with this Writ Petition for the relief stated supra.

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5.The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that based on the representation of the Petitioner's husband, an enquiry was conducted by the second respondent/The Tahsildar, G.T.Road, Virudhunagar and further, the said Rajendran is no more. In this regard, the Revenue Tahsildar, Virudhunagar has initiated appropriate proceedings, dated 10.10.2022 and a report has been sent to the first respondent/The Revenue Divisional Officer, Aruppukkottai, Virudhunagar District for cancellation of patta which stands in the name of Rajendran in Patta No.807 and also the patta stands in the name of his son Azhagumari Raj along with the report of the Village Administrative officer concerned with the copy of the village accounts.

6.In view of the above, this Court directs the first respondent to consider the Petitioner's representation, dated 21.12.2020 for cancellation of patta No.807, taking into account the report of the second respondent dated 10.10.2022 sent to the first respondent, report of the Village Administrative Officer concerned with the copy of the village accounts and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned within a period of 12 weeks from the date of receipt of a copy of this order.



7. With the above directions, the Writ petition stands disposed of. No costs.

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Index : Yes/No

Internet: Yes/No

vsn

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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN
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