



W.P(MD)No.23758

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23758 of 2022

K.R.Nallakaruppu @ Rajendiran

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
O/o.District Collector,
Sivagangai District.

3.The Revenue Divisional Officer,
Karaikudi Division,
Sivagangai District.

4.The Tahsildar,
O/o.Tahsildar,
Karaikudi Taluk,
Sivagangai District.

5.K.Sethuraman

6.A.Subramaniyan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 & 4 to consider the petitioner's representation, dated 20.08.2022 and cancel the Patta No.508, which is granted to respondent no.6 in Survey No.64/2 to an extent of 0.33.5 ares situated at Thiruthipatti Group, Karaikudi Taluk, Sivagangai District.



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For Petitioner	: Mrs.S.Latha
For R1 to R4	: Mr.D.Sadiq Raja Additional Government Pleader
For R5	: Mr.Marimuthu
For R6	: No appearance

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 3 & 4 to consider the petitioner's representation, dated 20.08.2022 and cancel the Patta No.508, which is granted to respondent no.6 in Survey No.64/2 to an extent of 0.33.5 ares situated at Thiruthipatti Group, Karaikudi Taluk, Sivagangai District.

2.Heard Mrs.S.Latha, learned counsel appearing for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.Marimuthu, learned counsel appearing for the fifth respondent.

3.The learned counsel for the petitioner submits that the petitioner's father namely Karungappanambalam having property in Survey No.64/2 to an extent of 0.33.5 ares and it is situated at Thiruthipatti Group, Karaikudi Taluk, Madurai District. After the demise of his father, the petitioner's elder brother Sethuraman/5th respondent transferred the patta to his name from his father's name. When they



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known regarding the illegal patta transfer, they made complaint before the concerned authority, but no action was taken. All the legal heirs are entitled to get possession and enjoyment of that property. On 11.11.2020 the fifth respondent sold the above common property to the sixth respondent and it was registered before the Sub-Registrar Officer, Kalaiyarkovil. Therefore, the petitioner has filed a suit in O.S.No. 102 of 2021 before the District Munsif Court, Karaikudi against the respondents 5 & 6 seeking the relief to cancel the registration of property by document No.4172/2020 before Sub-Registrar Office, Kalaiyarkovil is null and void. Thereafter, the petitioner has made representation on 20.08.2022 to the respondents 1 to 4 to take action against the respondents 5 & 6, but the authorities has not taken any steps to enquire about the illegal transaction. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that appropriate direction may be given to the respondents 1 to 4 to consider the petitioner's representation, dated 20.08.2022, in accordance with law, within a time frame.

5.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents 1 to 4 to consider the petitioner's representation, dated 20.08.2022 and pass orders on



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merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

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6.This Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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