



W.P.(MD)No.24729 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24729 of 2022

Ramaraj, S/o.Vellappa Naicker

.. Petitioner

Versus

1.The District Collector,
O/o. the District Collectorate,
Madurai District.

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

3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

4.Ravindran, S/o.Marimuthu

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to cancel the forged Patta stands in the name of the fourth respondent/Ravindran and consider the representation of the petitioner and dispose of the proceedings of the second respondent in O.Mu.No.2959/ 2021/A2, dated 17.11.2021 and Na.Ka.No. 2187/ 2022/A2 dated 01.06.2022.

For Petitioner : Ms.V.Sebastinal Preethi

For Respondents 1 to 3 : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

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2. According to the petitioner, his father namely, Vellappa Naicker purchased the property, bearing old S.No.802, new S.No.72, situated at Velampoor, Peraiyur Taluk, Madurai District, from Vellammal, W/o.Veerapathiran Chettiar in the year 1965, vide Document No.589. After the demise of his father, the petitioner is in possession and enjoyment of the said property. Thereafter, the fourth respondent's name has been included in Patta No.977. Hence, the petitioner preferred a complaint before the second respondent on 11.02.2021 for cancellation of the said forged Patta. Based on the petitioner's representation, the second respondent directed the third respondent for taking appropriate action, vide his proceedings dated 08.11.2021. Thereafter, no action was taken. Hence, the petitioner sent a representation to the second respondent on 17.05.2022 for cancellation of the said forged Patta along with necessary documents. The second respondent, vide his proceedings, dated 01.06.2022, forwarded the petitioner's



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representation to the third respondent for appropriate action. Though the second respondent forwarded the petitioner's representation for cancellation of Patta to the third respondent twice, the third respondent never glimpse on the petitioner's grievance. It is the imperative duty on the part of the third respondent to hold an enquiry, thereby, summoning the petitioner, but, in this case, the third respondent has not conducted any enquiry so far. Aggrieved by the inaction on the part of the third respondent, the petitioner left with no other effective, efficacious or speedy and alternative remedy, has approached this Court by invoking Article 226 of the Constitution of India.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that pursuant to the representation given by the petitioner, dated 17.05.2022, the third respondent had conducted an enquiry on 20.07.2022, wherein, it is found that during UDR Scheme, Patta No.168 in respect of S.No.72 stood in the name of one Chinnasamy Naidu, S/o.Venkitusamy Naidu and thereafter, Patta No.963 has been issued to one Vellaisamy, S/o.Gurusamy Thevar and at present, Patta No.977 has been issued in favour of the fourth respondent/Ravindran, S/o.Marimuthu and the petitioner's father had purchased the property in the year 1965 from one Vellammal, W/o.Veerapathiran Chettiar. As the petitioner's father had purchased the property before the UDR Scheme, the petitioner is directed to



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approach the District Revenue Officer, Madurai District, along with all the relevant documents and the third respondent has got no power to consider the petitioner's representations.

4. Recording the aforesaid submission made by the learned Additional Government Pleader appearing for the respondents 1 to 3, this Court directs the petitioner to approach the District Revenue Officer, Madurai District, along with all the relevant documents to redress his grievance in the subject matter in issue.

5. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
smn2

08.11.2022

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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