



W.P.(MD)No.26606 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26606 of 2022

P.Raguraman

.. Petitioner

Versus

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

2.The Deputy Tahsildar,
Usilampatti.

3.The Town Surveyor,
Usilampatti.

4.Karuppasamy, S/o.Kondaiyan Karuthakannan

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent herein to consider the petitioner's representation, dated 18.10.2022, directing the first respondent to take necessary action against the respondents 2 and 3 herein for transferring Patta in the name of the fourth respondent and his brothers in proceedings TR003726/24/0153/2022, dated 19.07.2022, in respect of land in S.No.146/7, measuring 0.21.50 Ares, situated at Usilampatti Village, Madurai District, within a time limit to be fixed by this Court.

For Petitioner : Mr.PT.S.Narendravan

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



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent herein to consider his representation, dated 18.10.2022, directing the first respondent to take necessary action against the respondents 2 and 3 herein for transferring Patta in the name of the fourth respondent and his brothers in proceedings TR003726/24/0153/2022, dated 19.07.2022, in respect of land in S.No.146/7, measuring 0.21.50 Ares, situated at Usilampatti Village, Madurai District, within a time frame to be fixed by this Court.

2. Heard Mr.PT.S.Narendravasan, learned counsel appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who takes notice for the respondents 1 to 3. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the fourth respondent is dispensed with.

4. According to the learned counsel for the petitioner, the property in S.No.146/7, measuring an extent of 0.21.50 Ares (45 cents), situated at Usilampatti Village and Taluk, Madurai District, originally belonged to the petitioner's grandfather. After the demise of the petitioner's grandfather and



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the petitioner's father, the petitioner, his brothers and their paternal uncles obtained joint Patta, bearing No.2039 and they are in joint possession and enjoyment of the said property. While so, the fourth respondent herein tried to interfere with the petitioner's peaceful possession and enjoyment of the property as if the said property belonged to his father, namely, Veerana Thevar @ Karuthakannu Thevar. Hence, the petitioner, his brother and the paternal uncles filed a suit in O.S.No.599 of 1995 against the fourth respondent herein. The fourth respondent also filed a suit in O.S.No.603 of 2005 against the petitioner and others. Both the suits were dismissed. Against the dismissal of O.S.No.599 of 1995, the petitioner and others filed A.S.No.21 of 2005 and the same was also dismissed. As against the dismissal of the said appeal suit, the petitioner and other filed S.A.No.815 of 2008 before this Court and the same was dismissed for default on 05.12.2018 and the petitioner is taking steps to restore the second appeal. As against the dismissal of the suit filed by the fourth respondent, the fourth respondent filed A.S.No.2 of 2020 before the Subordinate Court, Usilampatti, and the same is pending.

5. Further, according to the learned counsel for the petitioner, taking advantage of the dismissal of the second appeal, the fourth respondent filed a petition before the first respondent herein to cancel the Patta stands in the name of the petitioner and others. The first respondent, after a detailed



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enquiry, rejected the said petition, vide his proceedings dated 14.06.2022 and directed both the parties to decide the issue in the competent civil court since already A.S.No.2 of 2020 filed by the fourth respondent is pending. Subsequently, the third respondent at the instigation of the fourth respondent without issuing any notice to the petitioner and the other Patta holders, arbitrarily surveyed the land and thereafter, the second respondent colluded with the third respondent, fraudulently transferred the Patta in the name of the fourth respondent herein and his brothers, vide his proceedings, dated 19.07.2022. Hence, the petitioner sent a representation to the first respondent on 18.10.2022 to take necessary action against the respondents 2 and 3 herein. Since the same has not been considered so far, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

6. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner's representation dated 18.10.2022, would be considered and appropriate orders would be passed on merits and in accordance with law, within a time frame.

7. Recording the aforesaid submission made by the learned Additional Government Pleader appearing for the respondents 1 to 3, this Court, without going into the merits of the case, directs the first respondent to consider the



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representation of the petitioner, dated 18.10.2022, and pass appropriate orders on merits and in accordance with law, after issuing notice to all the necessary parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Index : Yes/No
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25.11.2022

To

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

2.The Deputy Tahsildar,
Usilampatti.

3.The Town Surveyor,
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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