



W.P.(MD)No.26449 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26449 of 2022

M.Junie Vedamuthu

.. Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Tuticorin District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti.
- 3.The Tahsildar,
Office of the Tahsildar,
Odapidaram Taluk,
Tuticorin District.
- 4.Vedhamuthu

5.Ponnuthai

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 01.02.2022 and consequently direct the second respondent to cancel the patta issued by the third respondent in favour of the fifth respondent.



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For Petitioner : Mr.R.Senthil Kumar
For R1 to R3 : Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 01.02.2022 and consequently direct the second respondent to cancel the patta issued by the third respondent in favour of the fifth respondent.

2.Heard Mr.R.Senthil Kumar, learned counsel for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the respondents 1 to 3. Considering the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 and 5 is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the representation submitted by the petitioner, seeking to cancel the patta, which was fraudulently obtained by the fourth and fifth respondents herein, has not been considered.



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4. The learned counsel for the petitioner submitted that the property in Survey No.1163/47, 1163/48 situated at S.Kailasapuram Village, Odapidaram Taluk, Tuticorin District belonged the petitioner's grandfather. After his demise the father of the petitioner inherited the property. The father of the petitioner bequeathed his properties in favour of his four sons by way of an oral partition. The petitioner is in peaceful possession and enjoyment of the same. While so, the fourth and fifth respondents, who are the brothers of the petitioner, had changed the patta for the said property in their favour fraudulently. Hence, seeking to cancel the said patta, the petitioner made a representation dated 01.02.2022 before the second respondent. The same has not been considered. Hence, the petitioner has filed the present writ petition.

5. The learned Special Government Pleader appearing for the official respondents, on instructions, submitted that the representation of the petitioner is pending for consideration and the same will be considered shortly.

6. No prejudice would be caused to the respondents, if the representation of the petitioner dated 01.02.2022 is considered on merits and in accordance with law, after hearing the petitioner as well as the rival claimants, if any.



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7. Accordingly, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the representation of the petitioner, dated 01.02.2022, on merits and in accordance with law, after affording a fair opportunity of hearing to the petitioner, within a period of twenty [20] weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

23.11.2022

Index : Yes/No
Internet : Yes/No
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To

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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