



W.P.No.757 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.757 of 2023

Radha Lakshmi

.... Petitioner

-Vs-

1.The District Collector
Ariyalur, Ariyalur District.

2.The Revenue Divisional Officer
Udayarpalayam, Ariyalur District.

3.The Tahsildar
Jayakondam
Ariyalur District.

4.Ennasi

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to hold an enquiry on the petitioner's representation dated 25.03.2022 and cancel the bogus patta stands in the name of Ennasi in respect of the Patta No.738 in Survey No.71/11 Pichanur Village, Udayarpalayam Taluk, Ariyalur District.

For Petitioner : Mr.M.Muthukrishnan
For Respondents : Mr.R.P.Muruganraja
Government Advocate – for RR 1 to 4
Notice dispensed with - R5

ORDER



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The prayer sought for herein is for a Writ of Mandamus directing the 2nd respondent to hold an enquiry on the petitioner's representation dated 25.03.2022 and cancel the bogus patta stands in the name of Ennasi in respect of the Patta No.738 in Survey No.71/11 Pichanur Village, Udayarpalayam Taluk, Ariyalur District.

2. In respect of the property in Survey No.71/11, Pichanur Village, Udayarpalayam Taluk, Ariyalur District, it is the claim of the petitioner that it was purchased by the petitioner's husband long years back and the petitioner's husband died in 1997 and thereafter, the petitioner inherited the property. When that being so, the petitioner recently came to know that in respect of the same property, patta has been issued in the name of the 5th respondent. Hence, in order to cancel the patta, the petitioner has preferred an appeal before the 2nd respondent Revenue Divisional Officer on 25.03.2022 and in order to consider the same and to pass orders, the petitioner has moved the present writ petition.

3. Heard Mr.M.Muthukrishnan, learned counsel for the petitioner and Mr.R.P.Muruganraja learned Government Advocate appearing for the respondents 1 to 4. In view of the order that is going to be passed in this writ petition, notice to the 5th respondent is hereby dispensed with.

3. Since it is an appeal against the order of patta issued by the Tahsildar



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concerned within the meaning of Section 12 of the Patta Passbook Act made before the 2nd respondent / Revenue Divisional Officer, this Court is of the view that the same can be decided by the 2nd respondent after giving an opportunity of hearing to the petitioner as well as the 5th respondent.

4. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

“That there shall be a direction to the 2nd respondent / Revenue Divisional Officer to consider the appeal submitted by the petitioner on 25.03.2022 on merits and in accordance with law after giving an opportunity of hearing to both the petitioner and the 5th respondent and pass orders within a period of eight weeks from the date of receipt of a copy of this order.”

5. With the above direction, this writ petition is disposed of. No costs.

11.01.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST

R. SURESH KUMAR, J.

KST



To

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