



WEB COPY



W.P.No.2947 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.No.2947 of 2023

G.Santhanamarimuthu

.. Petitioner

Versus

1. The District Collector,
O/o.District Collector,
Nagapattinam District.
2. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer
Nagapattinam District.
3. The Tahsildhar,
O/o.Nagapattinam Tahsildar Office,
Nagapattinam District.
4. The Joint Commissioner HR & CE,
O/o. Joint Commissioner of HR & CE
Department of HR & CE,
Nagapattinam District.

5. K.Shanthi

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 5 to take action and cancel the patta in S.No.2936/1, 2936/6, Ward No.4, Block 57 situated at No.-6, Kavara Street, Velipalaiyam, Nagapattinam District stands in favor of 5th respondent as per proceedings of Na.Ka.No.7028/Aa3 dated 13.08.2015 by the 3rd respondent inperuant to the Petitioner's complaint dated 09.11.2022.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Ms.R.Anitha (R1 to R3)
Special Government Pleader
Mr.K.Karthikeyan (R4)

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

Heard Mr.P.Muthamizhselvakumar, learned counsel for the petitioner and Ms.R.Anitha, learned Special Government Pleader who accepts notice on behalf of the Respondents 1 to 3 as well as Mr.K.Karthikeyan, learned counsel who accepts notice on behalf of the 4th Respondent.

2.The relief sought in this Writ Petition is to issue a writ of mandamus directing the Respondents to consider the petitioner's complaint dated 09.11.2022 and take action with respect to cancellation of patta granted in



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respect of the properties in S.No.2936/1, 2936/6, Ward No.4, Block 57 situated at No.-6, Kavara Street, Velipalaiyam, Nagapattinam District, in favour of 5th respondent, in the light of the recommendation of the third respondent to the second respondent in Na.Ka.No.7028/Aa3 dated 13.08.2015.

3.According to the Petitioner, he is a devotee of Arulmigu Agatheswarar Swami Temple, which is under the control of the 4th Respondent and there are several acres of land around the temple belonging to it. It is the grievance of the petitioner that the 5th Respondent created forged documents and obtained patta in her favour in respect of the subject properties. Further, several persons were also trying to get patta and encroach the temple lands. While so, the 3rd Respondent issued a communication dated 13.08.2015 to the 2nd Respondent recommending to cancel the patta obtained by the 5th respondent. The 4th Respondent also sent a communication dated 20.09.2022 to the 2nd Respondent, in this regard. However, no action has been taken by the second respondent. Therefore, the petitioner made a detailed representation on 09.11.2022 to the Respondents seeking to cancel the patta illegally obtained in the name of the 5th Respondent, which has also not been considered, till date. Hence, this writ petition.



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4.Today, when the matter was taken up for consideration, the learned Special Government Pleader appearing for the respondent authorities drew the attention of this court to the document enclosed at page 33 of the typed set filed by the petitioner, and submitted that with regard to the claim of the petitioner, the first respondent issued summons dated ..11.2022 to the parties concerned and the enquiry is pending. The learned counsel further submitted that after completing the enquiry, the respondent authorities would pass appropriate orders, on merits.

5.In view of the above submissions made by the learned Special Government Pleader appearing for the respondent authorities, without expressing any opinion on the merits of the case, there shall be a direction to the respondent authorities to complete the enquiry and pass appropriate orders, on the claim of the petitioner, on merits and in accordance with law, after affording due opportunity of personal hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

[R.M.D., J.] [M.S.Q., J.]
03.02.2023

Index : Yes / No
Internet : Yes / No



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R. MAHADEVAN, J.
and
MOHAMMED SHAFFIQ, J.

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