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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.761 of 2023

C.Raman .... Petitioner

-Vs-

1.The District Collector
Kallakurichi
Kallakurichi District.

2.The District Revenue Officer
Kallakurichi District.

3.The Tahsildar
Kallakurichi
Kallakurichi District.

4.The Village Administrative Officer
Pangaram Village
Kallakurichi District.

5.Velmurugan

6.Kannan .... 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 cancel the patta Nos.106 and 465 in favour of the 3rd respondent pursuant to the petitioner's representation dated 19.04.2022.

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For Petitioner : Mr.S.Nedunchezhiyan
for Mr.T.Balachandran
For Respondents : Mrs.Akila Rajendran
Government Advocate – for RR 1 to 4
Notice dispensed with – for RR 5 and 6

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 2nd respondent to cancel the patta Nos.106 and 465 in favour of the 3rd respondent pursuant to the petitioner's representation dated 19.04.2022.

2. In order to cancel the Patta No.106 and 465 issued in favour of the 5th and 6th respondents, by the 3rd respondent, the petitioner had given an appeal to the respondents and in order to decide the said appeal and to pass orders, the present writ petition has been preferred with the aforesaid prayer.

3. It is the case of the petitioner as projected by the learned counsel for the petitioner that, insofar as the land in question is concerned, that was purchased by the petitioner's father long years ago and till his life time he enjoyed the property and subsequently the petitioner inherited the property. When that being so, recently the petitioner came to know that patta has already been issued by the Tahsildar in favour of the private respondents. Hence, the petitioner has given an appeal to the respondents on 19.04.2022.

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4. Mr.S.Nedunchezhiyan appearing for Mr.T.Balachandran, learned counsel for the petitioner reiterated the aforesaid facts and seeks the indulgence of this Court.

5. Heard Mrs.Akila Rajendran, learned Government Advocate appearing for the respondents 1 to 4. In view of the order that is going to be passed, notice to the private respondents is hereby dispensed with.

6. Learned Government Advocate would submit that, the appeal if at all to be filed against the order passed by the Tahsildar issuing patta in favour of the private respondents, that has to be filed only before the Revenue Divisional Officer. Therefore, let the appeal be filed before the Revenue Divisional Officer concerned and on receipt of the same, the same shall be decided by the said authority within a time frame that may be stipulated by this Court.

7. Having considered the said stand of the learned Government Advocate appearing for the official respondents, this Court is inclined to dispose of this writ petition with the following order.

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"That it is open to the petitioner to make an appeal to the Revenue Divisional Officer, Kallakurichi and District and on receipt of the same, the said authority shall conduct an enquiry and pass orders on the appeal by giving an opportunity of hearing to both the petitioner as well as the private respondents within a period of eight weeks thereafter."

8. With the above directions, this writ petition is disposed of. No costs.

11.01.2023

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

Note : Registry is directed to mark a copy of this order to the Revenue Divisional Officer, Kallakurichi also.
To

1.The District Collector, Kallakurichi, Kallakurichi District.

2.The District Revenue Officer, Kallakurichi District.

3.The Tahsildar, Kallakurichi, Kallakurichi District.

4.The Village Administrative Officer, Pangaram Village
Kallakurichi District.

5.The Revenue Divisional Officer, Kallakurichi.

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R. SURESH KUMAR, J.

KST

W.P.No. 761 of 2023

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