



W.P.(MD)No.1613 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1613 of 2021

R.Illanchezian

... Petitioner

Vs.

1.The Tahsildar,
Arandhangi Taluk,
Pudukottai District.

2.Mathiyazhahan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 31.11.2020 on the file of the first respondent herein.

For Petitioner : Mr.V.Illanchezian

For R-1 : Ms.S.Jeyapriya,
Government Advocate

For R-2 : Mr.D.Rameshkumar



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ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first respondent to consider the representation made by the petitioner on 31.11.2020 and to cancel the patta issued in favour of the second respondent with respect to 1 cent of land out of 46 cents.

2. The case of the petitioner is that the subject property totally measuring an extent of 45 cents was conveyed in favour of the second respondent. The balance 1 cent is being used as pathway and for taking water for irrigation for the other lands belonging to the petitioner. However, the first respondent had issued patta in favour of the second respondent with respect to the entire extent of 46 cents. In view of the same, the petitioner alleges that the second respondent is preventing the petitioner from using the pathway and taking water for irrigation. Hence, the petitioner made a representation to the first respondent for cancellation of the patta with respect to 1 cent out of 46 cents. Since the same was not considered, the present Writ Petition has been filed before this Court.



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3. In the considered view of this Court, the petitioner has to necessarily file an appeal before the Revenue Divisional Officer against the issuance of patta by the first respondent for the total extent of 46 cents. Hence, there shall be a direction to the petitioner to file an appeal before the Revenue Divisional Officer, Aranthangi Taluk, Pudukottai District, seeking for the cancellation of the patta with respect to 1 cent out of 46 cents that was issued in favour of the second respondent. On receipt of the same, the Revenue Divisional Officer shall issue notice to the petitioner and to the legal heirs of the second respondent. (It is reported that the second respondent died during the pendency of the writ petition). Upon hearing them, the Revenue Divisional Officer shall pass final orders within a period of three (3) months from the date of receipt of the appeal from the petitioner.

4. This Writ Petition is disposed of with the above directions.

No costs.

10.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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N.ANAND VENKATESH, J.

tsg

To

The Tahsildar, Arandhangi Taluk,
Pudukottai District.

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