



W.P.(MD)No.1314 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1314 of 2021

M.Ayyavu

.. Petitioner

Versus

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur District.

2.The Thasildhar,
Taluk Office, Thanjavur,
Thanjavur District.

3. S.Vadivalagi

4.V.Rajalakshmi

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider petitioner's representation, dated 21.09.2020 and to cancel Patta No.4537, stands in the name of the respondents 3 and 4, regarding the property in S.No. 59/2A, measuring an extent of 0.35.00 Ares in Puthupattinam Village, Thanjavur District and restore Patta No.757 in the name petitioner, which was cancelled without any notice to him and without any enquiry by the second respondent.



W.P.(MD)No.1314 of 2021

For Petitioner : Mr.A.Senthil Kumar

For R1 and R2 : Mr.B.Saravanan
Additional Government Pleader

For R3 and R4 : Mr.G.Mohankumar

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to consider the representation made by the petitioner on 21.09.2020, wherein the petitioner has sought for cancellation of Patta granted in favour of the respondents 3 and 4 in Patta No.4537 with respect to the subject property and to restore the Patta in the name of the petitioner.

2. Heard Mr.A.Senthil Kumar, learned counsel for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader for the respondents 1 and 2 and Mr.G.Mohankumar, learned counsel for the respondents 3 and 4.

3. The case of the petitioner is that he had purchased the subject property by virtue of the registered sale deed, dated 07.09.1986 from one R.Ilavalagan. The said Ilavalagan had purchased the property from one T.K.Vasudevan in the year 1979. The Patta was also transferred in the name of the petitioner in the year 1989 and Patta No.757 was issued in favour of the petitioner and the petitioner was in possession and enjoyment of the property.



W.P.(MD)No.1314 of 2021

4. The grievance of the petitioner is that the second respondent without putting the petitioner on notice and without conducting any enquiry, straightaway removed the name of the petitioner and issued Patta in favour of the respondents 3 and 4 in Patta No.4537. According to the petitioner, the property, which was already sold by the father of the respondents 3 and 4 in favour of the vendor of the petitioner, cannot continue to belong to the respondents 3 and 4 and therefore, the very issuance of Patta in favour of the respondents 3 and 4 is illegal. In view of the same, the petitioner has made a representation to the first respondent, seeking for the cancellation of the Patta issued in favour of the respondents 3 and 4. Since the same was not considered, the present Writ Petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case and the relief sought for in the present Writ Petition, there shall be a direction to the first respondent to consider the representation made by the petitioner on 21.09.2020 and call the parties for enquiry. The petitioner as well as the respondents 3 and 4 shall be put on notice and they shall be given an opportunity and a final decision shall be taken within a period of eight weeks from the date of receipt of a copy of this order.



W.P.(MD)No.1314 of 2021

6. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs.

NCC : Yes/No
Index : Yes/No
smn2
To

10.10.2023

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur District.

2.The Thasildhar,
Taluk Office, Thanjavur,
Thanjavur District.



WEB COPY



W.P.(MD)No.1314 of 2021

N.ANAND VENKATESH, J.

smn2

W.P.(MD) No.1314 of 2021

10.10.2023