



W.P(MD)No.2237 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.2237 of 2022

Raman D @ Panchakalai

... Petitioner

Vs

1. The District Collector,
Sivagangai, Sivagangai District.
2. The District Revenue Officer,
Sivagangai, Sivagangai District.
3. The Tahsildhar,
Sivagangai, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to consider the petitioner's representation, dated 21.01.2022 relating to cancellation of fraudulent patta issued in favor of one deceased Alagu, S/o. Periyampillai in Patta No.751 during UDR period in respect of the petitioner's cultivating land to an extent of 40 Cents situated in SF.No.130/6, Uruli Village, Kunanjadi Ulkadai, Sivagangai Taluk and District, which is registered in favor of the petitioner in Doc.No.1773/1996 on the file of the Sub-Registrar- II, Sivagangai dated 21.08.1996 and pass appropriate orders



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within the time frame fixed by this Court.

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For Petitioner : Mr.S.M.Kadhar

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of Mandamus, seeking a direction to the second respondent/ to consider the representation, dated 21.01.2022 relating to cancellation of patta issued in favor of one deceased Alagu, S/o. Periyampillai in Patta No.751 during UDR period in respect of lands measuring 40 cents in SF.No.130/6, Uruli Village, Kunanjadi Ulkadai, Sivagangai Taluk. The lands are registered in favour of the petitioner by way of document registered in Doc.No.1773/1996, on the file of the Sub-Registrar- II, Sivagangai, dated 21.08.1996.

2.The petitioner is a senior citizen. He has purchased the aforementioned lands by way of sale deed, dated 21.08.1996. The learned counsel for the petitioner states that the petitioner is in possession of properties till today. It is stated that one Alagu interfered with the possession.



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Thereafter, there was a meeting among the elders in the village, Alagu had given up all the claim in the property. After his death, the legal heirs of Alagu again started to interfere with the possession of the petitioner. They claimed that patta is issued in the name of Alagu. Seeking cancellation of patta, the petitioner had given a representation on 21.01.2022 before the second respondent.

3.Heard the learned counsel for the petitioner and also the learned Special Government Pleader, who appears for the respondents.

4.It is the contention of the learned Special Government Pleader that the issue will have to be examined only by the District Revenue Officer, who is the competent authority, so far patta issued during UDR period.

5.The petitioner may give a fresh representation before the second respondent including the earlier representation, dated 21.01.2022 and on receipt of such representation, a direction is given to the second respondent to issue notice to the petitioner and also the legal heirs of Alagu and examine the documents of the petitioner and thereafter, take a considered



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decision on the representation given by the petitioner, within a period of eight weeks, from the date of receipt of fresh representation given by the petitioner.

6.It is contended by the learned counsel for the petitioner that the sale deed, by which, the legal heirs Alagu claimed the lands, had been frozen by the District Registrar, Sivagangai. The petitioner may also produce the document before the second respondent at the time of filing fresh representation.

7.With the above directions, this Writ Petition stands disposed of.

No costs.

08.06.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No

PNM



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To

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3. The Tahsildhar,
Sivagangai, Sivagangai District.



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C.V.KARTHIKEYAN, J.

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