



W.P(MD)No.2784 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.2784 of 2022

P.Subbramnian @ Mani

... Petitioner

Vs.

1.The Revenue Divisional Officer,
The Revenue Divisional Office,
Iluppur,
Pudukkottai District.

2.The Tahsildar
Taluk Office,
Viralimalai,
Pudukkottai District.

3.Loganathan

4.Ponnuchamy

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first and second



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respondents to cancel patta in the name of the third and fourth respondents and restore the same in the petitioner's name with respect to properties in Old S.F.No.37/12 and New S.F.Nos.269/3, 269/5 and 269/13 situated in Viralimalai Village, Viralimalai Taluk, Pudukkottai District, considering the petitioner's representation, dated 25.09.2021 and the first respondent's proceedings in Oo.Mu.5353/2021/A3, dated 04.10.2021.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.N.Muthu Vijayan - for R1 & R2
Special Government Pleader
Mr.J.Ananda Kumar - for R3 & R4

ORDER

The writ petition has been filed in the nature of a Mandamus, seeking a direction to the first and second respondents to cancel the patta which had now been transferred in the name of respondents 3 and 4 and restore the same in the name of the petitioner relating to the properties in Old S.F.No.37/12 and New S.F.Nos.269/3, 269/5 and 269/13 at Viralimalai Village, Pudukkottai District. The



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petitioner had given a representation on 25.09.2021. The first respondent had passed an order in proceedings in Oo.Mu.5353/2021/A3, dated 04.10.2021 stating that it is the second respondent / Tahsildar, who is the competent authority to examine that particular fact.

2. The petitioner is a senior citizen of advanced age nearly about 81 years. The third respondent is his son. The fourth respondent is his grand-son. There are other members of the family. The property had been divided by an unregistered family settlement. Taking advantage of that, the patta had been transferred in the names of the third and fourth respondents. Questioning such transfer of patta, the petitioner had given a representation to the first respondent seeking cancellation of such transfer.

3. The first respondent had issued a communication that the competent officer is the second respondent / Tahsildar. But however, let the first respondent take up the responsibility since the patta transferred by order of the second respondent is now questioned by the petitioner herein.



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4. Therefore, the first respondent is placed under an obligation to examine the representation dated 25.09.2021 given by the petitioner, issue notice not only to the petitioner, but also to the third and fourth respondents and to every other family member and examine whether, the issues would touch upon the title of the property. If it touches upon the title of the property then the Revenue Authority may be well aware that it is only the competent civil Court which can examine the issue of title. If the issue can be narrowed down to examination of the patta and cancellation of patta, then necessary orders may be passed. If that particular examination of patta and cancellation of patta depends upon the title of the property, then necessary precautionary orders may be passed and the parties may be advised to go before the civil Court.

5. The orders in this regard to be passed within a period of sixteen (16) weeks from the date of receipt of a copy of this order, after issuing notice to everybody and hearing everybody.



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6. With the above direction, the writ petition stands disposed
of. No costs.

21.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
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To

1.The Revenue Divisional Officer,
The Revenue Divisional Office,
Iluppur,
Pudukkottai District.

2.The Tahsildar
Taluk Office,
Viralimalai,
Pudukkottai District.



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C.V.KARTHIKEYAN, J.

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