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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.5253 of 2023

K.Kannan

... Petitioner

vs.

1.The District Collector,
Madurai, Madurai District.

2.The Revenue Divisional Officer,
Madurai South,
O/o the RDO, Madurai, Madurai District.

3.The Tahsildar,
O/o. The Tahsildar,
South Taluk, Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to cancel the pattas in Old S.No.226, New S.No.31/1A1A, 31/1A1B, 31/1A1C, 31/1A2, 31/1B of Iravathanallur Village, South Taluk, Madurai District or to consider the representation, dated 20.07.2022.

For Petitioner :Mr.R.Santhanam
For Respondents :Mr.D.S.Neduchezian
Government Advocate



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ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction to the second respondent/Revenue Divisional Officer, Madurai South, to consider the representation, dated 20.07.2022 given by the petitioner herein, by which he sought cancellation of patta in Old S.No.226, New S.No.31/1A1A, 31/1A1B, 31/1A1C, 31/1A2 and 31/1B of Iravathanallur Village, South Taluk, Madurai District.

2.Heard Mr.R.Santhanam, learned Counsel for the petitioner and Mr.D.S.Neduchezhian, learned Government Advocate for the respondents.

3.In the affidavit filed in support of the Writ Petition, it had been stated that the wife of the petitioner, by name, Sumathi had inherited ancestral properties in Iravathanallur Village in Madurai. She unfortunately was not in a position to maintain the property. The petitioner has been appointed as Legal Guardian by order in M.H.O.P.No. 5 of 2013, dated 08.07.2015 by the learned First Additional District Judge, Madurai. The petitioner claims that a representation has been



given to cancel the pattas in the aforementioned survey numbers. The said representation is now pending before the second respondent.

3.A direction is given to the second respondent to consider the representation given by the petitioner as guardian of his wife, issue notice to the petitioner and issue notice to the other persons, who names are found in patta, conduct an enquiry and pass necessary orders. The entire exercise must be done only after issuing notice and ensuring appearance of all the individuals, whose names are found in the patta. The entire exercise must be completed on or before 31.08.2023.

4.The Writ Petition stands disposed of. No costs.

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

10.04.2023

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.5253 of 2023

10.04.2023