



W.P(MD)No.19108 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.19108 of 2023

A.Natchimuthu

... Petitioner

Vs

**1.The District Collector,
Dindigul District,
Dindigul.**

**2.The District Revenue Officer,
Dindigul,
Dindigul District.**

**3.The Revenue Divisional officer,
Palani,
Dindigul District.**

**4.The Tahsildar,
Oddanchathiram,
Dindigul District.**

5.Selvi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing



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the respondents to cancel the patta in S.Nos.328/2, 329/1 and 330/1, to an extent of 16 Acres 74 cents situated at Kanavaipatti, Margampatti Post, M.Athappanpatti Village, Ottanchatiram Taluk, Dindigul District to consider the representation of the petitioner dated 25.05.2023 and 14.06.2023 respectively within stipulated time fixed by tis Court.

For Petitioner	:Mr.N.Madhava Govindan
For R1 to R4	:Mrs.D.Farjana Gowshia Special Government Pleader

ORDER

Originally the patta stands in the name of the petitioner's grand-father one N.Alagiana Gounder and the said Alagiana Gounder has transferred the patta in the name of one Selvi, W/o.Selvaraj and taking advantage of the transfer of patta, the said Selvi settled the property in favour of her brother Selvaraj. Therefore, the petitioner has submitted an application before the Tahsildar to cancel the patta on 14.06.2023 and with a grievance that his application has not been considered, has preferred this writ petition.



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2. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that the lands in Survey Nos. 328/2, 329/1 and 330/1, to an extent of 16 Acres 74 cents situated at Kanavaipatti, Margampatti Post, M.Athappanpatti Village, Ottanchatiram Taluk, Dindigul District belonged to one Arumuga Gounder, S/o.Alagiana Gounder. After his demise, his wife Kuppathal and his son Selvaraj were enjoying the property. After the demise of the said Kuppathal and her son Selvaraj, the patta was transferred in the name of Selvi, who is the wife of the Selvaraj. In the meanwhile, the said Selvi has executed the settlement deed in favour of her brother Selvaraj, S/o.Muthuchamy. As per the settlement, now the patta No.1072 for Survey no.328/1, 329/1 and 330/1 stands in the name of Selvaraj.

3. The petitioner claims that he is also a son of Alagiana Gounder. Admittedly, the property originally belonged to one Arumuga Gounder, S/o.Alagiana Gounder and he is also having a share in the property. Without any notice, the patta has been



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transferred in favour of Selvi W/o.Selvaraj. The petitioner has already submitted an application before the Tahsildar, Revenue Divisional Officer and District Revenue Officer on 14.06.2023 as against the patta transferred in the name of Selvi and subsequent transfer in the name of the Selvaraj.

4. This Court considered the submissions.

4. The third respondent/Revenue Divisional Officer shall treat the representation of the petitioner dated 14.06.2023 as an appeal under the Patta Passbook Act and to conduct an enquiry by providing an opportunity to the parties concern and decide the matter and pass orders within a period of six months from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

NCC : Yes / No.



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Index : Yes / No.

Internet: Yes

am

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B.PUGALENDHI, J.

am

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