



W.P(MD)No.21309 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21309 of 2015

V.Murugan

... Petitioner

Vs

1.The District Collector,
Theni District.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Aundipatti Taluk,
Theni District.

4.Neelamegam

5.Sarathkumar
*(R.4 & R.5 are impleaded vide order
of this Court dated 25.07.2023 in
M.P(MD)No. 1 of 2015)*

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to cancel the Patta No. 7344 made illegally by the third respondent and transfer the same to



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the Old Patta No. 4663 in respect of the property in S.No.892/4 situates in Aundipatti village, measuring about (0.19.5 ares) 48 cents by considering the petitioner's representation dated 06.10.2015.

For Petitioner : No Appearance

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 to R.3

ORDER

None appears for the writ petitioner.

2. However, I went through the contents of the affidavit filed in support of the writ petition.

3. The learned Additional Government Pleader appearing for the official respondents submitted that the patta in respect of Survey No. 892/4, Aundipatti Village stood in the name of the petitioner's father Veerasamy @ Chinna Veerasamy. However, based on partition deed, the revenue record has been mutated in favour of the respondents 4 and 5 alone. The official respondents could not place any material before this Court to show that notice was issued either to the petitioner or to his father before making changes in the revenue record. *Prima facie* the mutation appears to be bad in law.



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4. I direct the second respondent to *suo motu* take up the matter and issue notice to all the interested parties. This is because as per UDR A-Register in Patta No.4663, names of as many as four persons have been mentioned. Therefore, all of them will have to be put on notice. Earlier record had indicated the names of Perumal and Ramasamy also. The respondents 3 and 4 are not the legal heirs of the said Perumal and Ramasamy. That is why notice has to be given to all the concerned parties. Thereafter, an order on merits and in accordance with law shall be passed by the second respondent. The entire exercise shall be completed within a period of five months from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. There shall be no order as to costs.

04.08.2023

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

To

1. The District Collector,
Theni District.



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MGA

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