



W.P.(MD)No.22894 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.22894 of 2021

Chidambaranathan

... Petitioner

VS.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Aranthangi, Pudukkottai District.

2.The Tahsildar,
Office of the Taluk Office,
Aranthangi Taluk, Pudukkottai District.

3.Selvaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to remove the name of the 3rd respondent from the patta No.654 and incorporate the legal heirs of the petitioner's mother namely Kamalavalli in respect of the property comprised in Old S.No.68/1 and New Survey No.271/25 of an extent of 7 cents situated at Puvatrakudi Village, Aranthangi Union, Aranthangi Taluk, Pudukkottai District on the basis of the petitioner's representation dated 06.02.2021 within the time stipulated by this Court.



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For Petitioner :Mr.S.Sathya Chidambaram
For R1 and R2 :Mr.A.K.Manikkam
Special Government Pleader
For R3 :Mr.N.Balakrishnan

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first and second respondents to deal with the representation made by the petitioner on 06.02.2021, wherein, the petitioner has sought for the removal of the name of the third respondent from the patta pertaining to the subject property situated at New Survey No.271/25 Puvatrakudi Village, Aranthangi Union, Aranthangi Taluk, Pudukkottai District, measuring an extent of 7 cents.

2.Heard Mr.S.Sathya Chidambaram, learned Counsel appearing on behalf of the petitioner Mr.A.K.Manikkam, learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and Mr.N.Balakrishnan, learned Counsel appearing on behalf of the third respondent.



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3.The case of the petitioner is that the subject property was purchased by his mother by virtue of a registered sale deed on 14.12.1981 registered as Doc.No.3359/1981. The patta was also issued in the name of the mother in Patta No.654. The family of the petitioner was in possession and enjoyment of the property. On 02.01.2016, the mother of the petitioner died leaving behind the petitioner, his father and his sisters and they inherited the property from the mother.

4.The grievance of the petitioner is that all of a sudden, the name of the third respondent has been incorporated in the patta No.654 by quoting the proceedings in P.T.R765/2004, dated 27.11.2004. On coming to know of the same, the petitioner also made an application under the Right to Information Act and sought for details and it was found that the proceedings in P.T.R765/2004 did not even relate to the subject property and it only pertained to a property in S.No.118/3 at Arasarkulam Melpathi Village measuring 0.56.5 ares. The petitioner immediately made a representation before the first and second respondents seeking for removal of the name of the third respondent. Since the same was not acted upon, the present Writ Petition has been filed before this Court.



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5.Taking into consideration the facts and circumstances of the case and the materials that were brought to the notice of this Court, there shall be a direction to the first respondent to act upon the representation made by the petitioner on 06.02.2021 by calling for an enquiry and giving opportunity to the petitioner and the third respondent and final orders shall be passed on its own merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

6.This Writ Petition is disposed of with the above directions. No costs.

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

23.11.2023

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N.ANAND VENKATESH, J.

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