



W.P.No.801 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.801 of 2020

P.Govindarajan

... Petitioner

Vs.

1.The District Collector,
Kallakurichi.

2.The Sub Collector,
Kallakurichi.

3.The Revenue Divisional Officer,
Kallakurichi.

4.The Tahsildar,
Sankarapuram.

5.The Revenue Inspector,
Sankarapuram.

6.R.Raghuraman

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for
issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to pass orders



W.P.No.801 of 2020

on the petitioner's representation dated 09.10.2018 in respect of the lands situate in Survey Nos.77(1F), 77(1G), 98(6), 98(7), 98(8A), 77(2), 77(3A1), 77(3B), A.Paandalam Village, Sankarapuram Taluk, Villupuram District, pursuant to the proceedings of the 2nd respondent, dated 09.11.2018 in O.Mu.A4/7398/2018 directing the 4th respondent to take suitable action and in turn the 4th respondent, by proceedings in Ci.Mu.A6/18/2019 dated 27.02.2019 directing the 5th respondent to make an investigation and file a report.

For Petitioner : Mr.P.Valliappan
Senior Counsel
for Mr.N.Loganathan

For Respondents : Mr.K.Surendran
Additional Government Pleader
for R1 to R5
M/s.R.Divya Preethika
for M/s.R.Bharath Kumar
for R6

ORDER

The petitioner seeks a direction to the respondents 1 to 5 to pass orders on the petitioner's representation dated 09.10.2018 in respect of the lands situate in Survey Nos.77(1F), 77(1G), 98(6), 98(7), 98(8A), 77(2), 77(3A1), 77(3B), A.Paandalam Village, Sankarapuram Taluk, Villupuram District, pursuant to the proceedings of the 2nd respondent, dated 09.11.2018 in



W.P.No.801 of 2020

O.Mu.A4/7398/2018 directing the 4th respondent to take suitable action and in turn the 4th respondent, by proceedings in Ci.Mu.A6/18/2019 dated 27.02.2019 directing the 5th respondent to make an investigation and file a report.

2. The case of the petitioner is that subject matter of land comprised in Survey Nos.77(2), 77(3A1), 77(3B) are owned by the petitioner's father namely Periyasamy. His parents were issued Patta in Patta Nos.421 and 991 respectively, in respect of the lands belonging to them. While so, the sixth respondent with a view to unlawfully grab the said properties and started to disturb their peaceful possession and enjoyment of the said properties by claiming title to the same. Therefore, the petitioner's parents were constrained to file the suit in O.S.Nos.263 and 264 of 2015 before the District Munsif Court, Sankarapuram for declaration and other reliefs.

3. Pending the suit proceedings, the sixth respondent clandestinely obtained patta issued in his name in respect of the said lands. Neither his father nor his mother were put on notice, as to the patta transfer. Later, they came to know that patta No.1223 was issued jointly in the names of his mother and the sixth respondent in respect of the lands comprised in Survey Nos.77(1F) and



W.P.No.801 of 2020

77(1G). Patta No.1224 was issued exclusively in the name of the sixth respondent in respect of Survey Nos.77(3B) and 77(2) and Patta No.1225 was issued in the name of the sixth respondent and his father in respect of the lands comprised in Survey No.77(3A1).

4. In the year 2016, the petitioner's mother had executed a registered Settlement Deed bequeathed the lands belongs to her in his favour. Therefore, his rights were affected by the said illegal patta transfer. Therefore, the petitioner filed an application seeking cancellation of Patta Nos.1223, 1224 and 1225 on 09.10.2018 before the third respondent. Hence, the writ petition.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

6. Learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that already the fifth respondent has been directed by the fourth respondent/Tahsildar, Sankarapuram vide order in Ci.Mu.A6/18/2019 dated 27.02.2019, conducted a detailed enquiry and recorded the objections submitted by the petitioner. Till date, no orders have been passed.



W.P.No.801 of 2020

7. In view of the above submission, the fifth respondent is directed to conduct a detailed enquiry on the representation of the petitioner dated 08.10.2019, after giving due notice to both the parties, opportunity of personal hearing and pass appropriate orders on merits, in accordance with law, by observing the above principles of natural justice, within a period of eight weeks from the date of receipt of a copy of this order. Further, the fifth respondent is directed to submit a copy of the report to the fourth respondent/Tahsildar, Sankarapuram and thereafter, the fourth respondent is directed to pass necessary orders within a period of four weeks thereon.

8. This Writ Petition is disposed of with the above observations and directions. No costs.

15.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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Note: Issue Order Copy on 22.07.2024



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W.P.No.801 of 2020

To

- 1.The District Collector,
Kallakurichi.
- 2.The Sub Collector,
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W.P.No.801 of 2020

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W.P.No.801 of 2020

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