



W.P.No.2841 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.2841 of 2024

S.Mohanraj

... Petitioner

versus

1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Mettur, Mettur Dam,
Salem District.

2.The Thasildar,
Mettur, Mettur Dam,
Salem District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 09.10.2023 to grant Patta in petitioner's name which was restored as joint patta for S.No.43/5, Surappalli Village, Mettur, Salem District.

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For Petitioner : Mr.SP.Yuvaraj
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

Mr.A.Selvendran, learned Special Government Pleader accepts notice for the respondents. With the consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed the Writ Petition praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 09.10.2023, in and by which, he sought to grant Patta in his favour instead of joint Patta granted in respect of S.No.43/5, Surappalli Village, Mettur, Salem District.

3. The case of the petitioner is that originally his father Subramani and his paternal uncle Vadivel had purchased the land in Soorapalli Village in



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S.No.43/4, measuring an extent of 0.45.50 hectares and S.No.43/5, measuring an extent of 0.73.0 hectares vide registered sale deed dated 26.03.1990 in Document No.293/1990 and also obtained joint Patta vide Patta No.416. Thereafter, by oral partition, the petitioner's father got S.No.43/5 and his paternal uncle got S.No.43/4, thereby, the petitioner's father obtained separate Patta vide Patta No.5967 for the property in S.No.43/5. While that being so, the petitioner's father executed a settlement deed in favour of the petitioner on 21.09.2023 vide registered Document No.5396/2023. Thereafter, the petitioner obtained Patta in his favour vide Patta No.5972. Since the legal heirs of the petitioner's paternal uncle trying to enter into the petitioner's property, the petitioner has filed a suit in O.S.No.181 of 2023 on the file of the District Munsif Court, Mettur for injunction and the same is pending. While so, without giving due opportunity of hearing to the petitioner and without proper enquiry, the Revenue authorities cancelled the Patta in the name of the petitioner in



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respect of S.No.43/5 and subsequently, it was restored as joint Patta in the name of the petitioner's father and his paternal uncle as it was before the oral partition deed. Hence, the petitioner has given a representation to the respondents on 09.10.2023 to issue a Patta in favour of the petitioner in respect of S.No.43/5. Since there was no response from the respondents till date, the present writ petition has been filed.

4. The main contention of the learned counsel for the petitioner is that without giving due opportunity of hearing to the petitioner, the Revenue Authorities cancelled the Patta in the name of the petitioner and it was restored as joint Patta in the name of the petitioner's father and his paternal uncle.

5. Heard both sides and perused the materials available on record.

6. Having regard to the submissions made by the learned counsel on



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either side, this Court without expressing any view on the merits of the matter, directs the respondents to consider the representation of the petitioner dated 09.10.2023 and pass appropriate orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioner and the legal heirs of petitioner's paternal uncle Vadivel (as the paternal uncle of the petitioner is no more and his legal heirs are also not impleaded as parties to the writ petition) as well as interested parties/rival claimants if any, within the stipulated time as stated in Circular No.R1/2005632/2022, dated 17.07.2023 issued by the Commissioner of Land Administration.

7. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

- 1.The Revenue Divisional Officer,
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Salem District.

- 2.The Thasildar,
Mettur, Mettur Dam,
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P.VELMURUGAN, J.

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