



WEB COPY



W.P.No.4116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.4116 of 2024

R.Murugan

... Petitioner

Vs.

- 1 The District Collector,
Office of the Collectorate,
Thiruvannamalai.
- 2 The Revenue Divisional Officer,
Arani, Thiruvannamalai District.
- 3 The Tahsildar
Polur Taluk,
Thiruvannamalai District.
- 4 R.Iyappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representations dated 20.07.2023 and 30.08.2023 of the petitioner and to cancel the patta wrongly issued by the 3rd respondent by including the name of the 4th respondent in Patta Nos. 1074, 6167 and



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1649 of Padavedu Village Polur Taluk Tiruvannamalai District in respect of the lands comprised in Survey No. 711/1A1 Survey No.714/1B and survey No. 715/2B.

For Petitioner : Mr.T.Sai Krishnan

For R1 to R3 : Mr.T.Arunkumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representations dated 20.07.2023 and 30.08.2023 and to cancel the patta wrongly issued by the third respondent by including the name of the fourth respondent in Patta Nos. 1074, 6167 and 1649 of Padavedu Village, Polur Taluk Tiruvannamalai District in respect of the lands comprised in Survey No. 711/1A1 Survey No.714/1B and survey No. 715/2B.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents and perused the materials available on record.



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3. Since no adverse order is passed against the private respondent, notice to the private respondent/fourth respondent is dispensed with.

4. It is the contention of the learned counsel for the petitioner that the petitioner has got the subject property through a partition deed dated 27.11.1995 between the petitioner, fourth respondent and their father. The subject property in dispute which comes under “A” schedule of the partition deed was specifically allotted to their father. Since the name of the fourth respondent has been wrongly/illegally included in the patta, the petitioner made representation before the respondents to remove the name of the fourth respondent from the patta in respect of the abovesaid land. Though the first respondent had directed the third respondent to consider the petitioner's representation, no proper action has been taken by the third respondent till now.

5. Despite the directions of the first respondent dated 11.09.2023 to consider the petitioner representation and to take



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appropriate action with regard to the same, the third respondent has not taken any action. The lethargic attitude of the third respondent is highly deprecated. Even after the instructions of the Superior namely the District Collector/ the first respondent, the Tahsildar/the third respondent has not taken any steps to follow the instructions of the Superior Officer. Hence, the first respondent is directed to take action against third respondent. If the first respondent is not a competent authority to take action against the third respondent, the first respondent may refer the matter before competent authority/appellate authority/disciplinary authority as the case may be, to take action against the third respondent and directed to file action taken report within a period of two months.

6. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the third respondent to consider the petitioner representations dated 20.07.2023 and 30.08.2023 for cancellation of patta, and to issue notice to the petitioner, the fourth



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respondent herein, adjacent land owners of four boundaries of the subject property and interested parties/rival claimants/objectors if any, as the case may be, and after issuing notice to all the parties, conduct enquiry in the manner known to law and pass orders on merits and in accordance with law. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

7. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs.

8. List the matter on 22.04.2024 for reporting compliance.

21.02.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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