



W.P.No.14789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.14789 of 2024

A.Premalatha

...Petitioner

-Vs-

1.The District Revenue Officer,
District Collector Office,
Salem.

2.The Revenue Divisional Officer,
Mettur,
Salem District.

3.The Tahsildar,
Kadaiyampatti Taluk,
Salem District.

4.Sivaperumal

5.G.Saminathan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the second respondent to dispose of the appeal filed by the petitioner's husband dated 11.01.2022 in the light of the communication of the second respondent to the third respondent dated 22.03.2022 in



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Oo.Mu.No.213/2022/C seeking to cancel the patta stood in favour of the fourth respondent in respect of the property comprised in Survey No.113/1 and 113/2, situated at Semmandapatti Village, Kadaiyampatti Taluk, Salem District and pass such further orders.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the respondents. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed for issuance of a Writ of Mandamus, directing the second respondent to dispose of the appeal filed by the petitioner's husband dated 11.01.2022 in the light of the communication of the second respondent to the third respondent dated 22.03.2022 in Oo.Mu.No.213/2022/C seeking to cancel the patta stood in favour of the fourth respondent in respect of the property comprised in Survey No.113/1 and 113/2, situated at Semmandapatti Village, Kadaiyampatti Taluk, Salem District.



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3. The case of the petitioner is that the property comprised in Survey No.113/1 to an extent of 1.66.00 hectares and Survey No.113/2 to an extent of 0.12.00 hectares totally measuring to an extent of 1.78.00 hectares (4 acres 39 cents) situated at Semmandappatti Village, Kadaiyampatti Taluk, Salem District, was purchased by the petitioner's father in law Nallathambi under the registered Sale Deed dated 07-02-1955 vide Document No.184 of 1955 on the file of Sub-Registrar Office, Omalur. At this juncture, the fourth respondent obtained the Patta under the UDR scheme vide Patta No.262 by using his influence. Upon knowing the same, petitioner's husband made an objection-cum-appeal before the Revenue Divisional Officer/Sub-Collector, Mettur/2nd respondent on 09-11-2020 seeking for cancellation of the Patta. However, the said Sivaperumal/fourth respondent seems to have registered the settlement deed in favour of his daughter Valarmathi in respect of the subject property before the Sub-Registrar, Tharamangalam vide Document No.5140 of 2020. Based on the fraudulent Patta without any other documents, the said Valarmathi in turn sold the property in favour of one Saminathan / fifth respondent on 24-01-2022 vide Document No.608 of 2022 before the Sub-Registrar, Omalur. The petitioner's husband made an objection on 07-10-2021 to the Revenue Authorities as well as the



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Registering Authorities. On 02.11.2021, Oo.Moo.213/2023-C dated

22.03.2022 directed the third respondent herein to take appropriate action.

However, the petitioner's husband has filed the suit in O.S.No.61 of 2022 before the District Munsif Court, Omalur against the said private respondents as well as the official respondents for declaration that the Settlement Deed and Sale deed as null and void and also for permanent injunction. The same is pending before the District Munsif Court, Omalur. The fifth respondent herein filed the writ petition in W.P.No.6329 of 2022 seeking for issuance of Patta for the subject matter land and the same was disposed of on 04.04.2022. The petitioner's husband died on 16.10.2023 leaving behind petitioner and his children as legal heirs. The appeal filed by petitioner's husband to cancel the patta has been pending with the second respondent for the past 2 years. In fact the second respondent sent communication to the third respondent to conduct enquiry and forward the report by a communication dated 22.03.2022 but so far no action has been taken.

4. The main grievance of the petitioner is that the appeal has already been filed before the second respondent dated 11.01.2022 and the same has not been disposed of till date. Hence, the petitioner has approached this Court by way of filing this writ petition.



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

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, the first respondent is directed to to dispose of the appeal filed by the petitioner's husband dated 11.01.2022 in the light of the communication of the second respondent to the third respondent dated 22.03.2022 in Oo.Mu.No.213/2022/C seeking to cancel the patta stood in favour of the fourth respondent in respect of the property comprised in Survey No.113/1 and 113/2, situated at Semmandapatti Village, Kadaiyampatti Taluk, Salem District, by conducting a detailed enquiry after giving notice to both parties, affording an opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of eight weeks from the date of receipt of a copy of this order.

J.SATHYA NARAYANA PRASAD, J.



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In the result, the **writ petition stands disposed of with the above observation and direction.** No costs.

10.06.2024

cda

Index : Yes/No

Speaking/Non Speaking order

To

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