



WEB COPY

W.P.No.26344 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.26344 of 2024

Mylathal

...Petitioner

Vs.

1. The District Collector, Thiruppu.
2. The Revenue Divisional Officer,
Udumalpet, Thiruppur District.
3. The Tahsildar,
Udumalpet, Thiruppur District.
4. Vanitha
5. R.Praveen
6. R.Vijaysaravanan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the representations dated 18.11.2022 and 17.04.2023 issued by the petitioner to cancel the patta and other revenue records stands in the name of the respondents 4 to 6 with respect of the Panchami land comprised in SF.No.812/1 Kannamanaickanur Village, Udumalpet Taluk, Thiruppur District to an extent of 0.98.00 Hecters and recover the possession from them and handover the same the petitioner herein.



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For Petitioner : Mr.R.Nalliyappan

For R1 to R3 : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the first respondent to consider her representations dated 18.11.2022 and 17.04.2023 seeking cancellation of patta issued in the name of the respondents 4 to 6 in respect of the Panchami land comprised in S.F.No.812/1 Kannamanaickanur Village, Udumalpet Taluk, Thiruppur District to an extent of 0.98.00 Hecters and hand over the said property.

2. According to the petitioner, the above said property was originally assigned in favour of the petitioner's husband . The petitioner's husband sold the property in favour of one Angammal on 12.04.1991. Later the said Angammal sold the property to one Krishnasam Naicker on 28.05.1992 and the said Krishnasam Naicker sold the said property on 04.06.2007 and based on the said sale deed in favour of the respondents 4 to 6, the patta was also issued in their names. It is accepted by the petitioner that all the purchasers namely Krishnasam Naicker as well as respondents 4 to 6 do not belong to Schedule Caste and Schedule Tribes. Therefore, the sale of property in favour of a person



who does not belong to Schedule Caste community is not valid. However, the petitioner made a representation before the first respondent seeking cancellation of the patta in the name of respondents 4 to 6 and to restore the possession to her and the same has not been considered till date. Hence, the petitioner is before this Court.

3. Mr.P.Sathish, learned Additional Government Pleader, who takes notice for the respondents 1 to 3 would submit that initial sale by the petitioner's husband to one Angammal itself was invalid as the same was in favour of a person who did not belong to Schedule Casts Community. Therefore, petitioner is not entitled to seek restoration of possession in her favour.

4. In view of the above, this Court, without expressing any opinion on the claim made by the petitioner and also rights of the other parties inclined to issue a direction to the first respondent to consider the representation of the petitioner dated 17.04.2023 and pass final order on its own merits, after issuing necessary notice to the petitioner as well as respondents 4 to 6 and other interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.



5. With the above direction, this Writ Petition is disposed of.

No

costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

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To

1. The District Collector, Thiruppu.
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Udumalpet, Thiruppur District.
3. The Tahsildar,
Udumalpet, Thiruppur District.

S. SOUNTHAR, J.

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