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W.P.No.15453 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.15453 of 2019
and W.M.P.No.15399 of 2019

- 1.N.Pichaikaran
- 2.N.Selvaraj
- 3.N.Arjunan
- 4.N.Ramasamy
- 5.Kasthuri

... Petitioners

Vs.

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The Revenue Divisional Officer,
Villupuram Taluk,
Villupuram.
- 3.The Tahsildar,
Villupuram Taluk,
Villupuram District.
- 4.The Inspector of Police,
Kaanai Police Station,
Villupuram,
Villupuram District.



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5.K.Bakthavachalam

6.K.Kumar

7.K.Muniyandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to conclude the proceedings of cancellation of Patta stands in the name of the private respondents 5 to 7 based on the representation submitted by the petitioners on 05.03.2018 and 14.02.2019 and finally on 22.04.2019 in respect of the property bearing Survey Nos.453/3 at Ottankkaduvetti Village, Mambazhapattu Madura, Villupuram District.

For Petitioners : Mr.M.Gnanasekar

For Respondents 1 to 4 : Mr.K.Surendran,
Additional Government Pleader

For Respondents 5 to 7 : Mr.J.Agni Selvaraj

ORDER

The petitioner has filed this petition seeking direction to the respondents 1 to 3 to conclude the proceedings of cancellation of Patta which stands in the name of the private respondents 5 to 7 based on the representation submitted by the petitioners on 05.03.2018 and 14.02.2019 and finally on 22.04.2019 in respect of the property bearing Survey Nos.453/3 at Ottankkaduvetti Village, Mambazhapattu Madura, Villupuram

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2. The case of the petitioners is that the petitioners are brothers and sister and the lands in Survey No.453/3 Ottankkaduvetti Village, Mambazhapattu Madura, Villupuram District was purchased by their mother viz., Kuppammal and the patta also stands in the name of their mother. In the year 2017, the patta in respect of the aforesaid subject property was changed to the names of respondents 5 to 7. Hence, the first petitioner has made representations to rectify the mistake and change the patta in favour of his mother. However, his mother expired on 20.11.2013. This being so, by letter dated 27.02.2019, the second respondent directed the third respondent to conduct an enquiry on the first petitioner's representation dated 14.02.2019 and 22.04.2019, so far no enquiry has been conducted by the second respondent.

2.1. Pending enquiry, the respondents 5 to 7 have illegally entered into the above said property and attempted to put up fence, which was objected by the petitioners herein. In this regard, the fifth petitioner has also lodged a complaint before the fifth respondent. Further, the fifth petitioner has given another representation to the Electricity Board on 24.09.2018, objecting to

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grant electricity service connection in respect of the subject property to the respondents 5 to 7. However, till date, the second respondent has not conducted any enquiry and concluded the proceedings of cancellation of patta, which stands in the name of the respondents 5 to 7. Hence, the petitioners have come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioners submitted that, it would suffice, if this Court issues direction to the second respondent to conclude the proceedings of cancellation of patta which stands in the name of the respondents 5 to 7 based on the petitioners' representation dated 05.03.2018, 14.02.2019 and 22.04.2019 and pass appropriate orders on merits within a particular time frame to be fixed by this Court.

4. The learned Additional Government Pleader appearing for the first respondents 1 to 5 has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials



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placed on record.

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6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case issues the following direction:

The second respondent is directed to conduct a detailed enquiry, after giving due notice to both the parties and affording an opportunity of personal hearing to the petitioners as well as the respondents 5 to 7, at the time of enquiry the petitioner as well as the respondents 5 to 7 shall submit all the relevant documents in their possession in regard to the subject matter property and to conclude the proceedings in regard to the cancellation of patta, which stands in the name of respondents 5 to 7 based on the petitioners' representation dated 05.03.2018, 14.02.2019 & 22.04.2019 and pass appropriate orders on merits and in accordance with law and also after observing the above principles of natural justice, within a period of six weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petitions are

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closed.

07.06.2024

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Index : Yes/No

Speaking Order : Yes/No

J.SATHYA NARAYANA PRASAD,J.

vm

To:

1.The District Collector,
Villupuram District,
Villupuram.

2.The Revenue Divisional Officer,
Villupuram Taluk,
Villupuram.

3.The Tahsildar,
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