



W.P.No.14857 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.14857 of 2024

and

W.M.P.Nos.16116 & 16117 of 2024

Manivannan

...Petitioner

-Vs-

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The District Revenue Officer,
Dharmapuri District,
Dharmapuri.

3.The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.

4.The Tahsildar,
Nallampalli Taluk,
Dharmapuri.

5.Periyasamy

6.Poovan

...Respondents



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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 Certiorarified Mandamus, call for the records of the impugned order of the fourth respondent in Na.Ka.No.602/2024/E1 dated 26.02.2024 and consequential Patta Nos.5919 & 5960 which stands in the name of respondents 5 & 6 and quash the same as illegal and without jurisdiction and consequently, direct the second respondent to conduct the enquiry on the application of the fifth respondent by issuing notice to the petitioner and conclude the same within stipulated time fixed by this Court and pass such further orders.

For Petitioner : Mr.A.Ilayaperumal
For R1 to R4 : Mr.A.Selvendran
Special Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus, call for the records of the impugned order of the fourth respondent in Na.Ka.No.602/2024/E1 dated 26.02.2024 and consequential Patta Nos.5919 & 5960 which stands in the name of respondents 5 & 6, quash the same and consequently, direct the second respondent to conduct the enquiry on the application of the fifth respondent by issuing notice to the petitioner and conclude the same within the time frame stipulated by this Court.



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2. The case of the petitioner is that the petitioner's father is the absolute owner of the land measuring 7 acres 49 cents in S.No.978 and 979 of Adhiyamankottai Village, Nallampalli Taluk, Dharmapuri District and originally the same was purchased by the petitioner's grandfather. The petitioner's grandfather died on 10.09.1963 leaving behind his two sons and three daughters and one among them is petitioner's father. Later, petitioner's uncle died and other legal heirs relinquished their rights over the above said property to the petitioner's father. UDR Patta was issued in the name of petitioner's father in respect of S.No.978 and in respect of S.No.978/3 there was 89.5 acres and later he sold some portions of land to third parties and holds 60 cents in S.No.978. The petitioner's father died on 27.01.2013 leaving behind i) the petitioner [Manivannan), ii) Jeya, iii) Vijayalakshmi, iv) Sivakumar, v) Jeyakumar, vi) Thirumoorthy & vii) Manju as his legal heirs. In respect of S.No.979, the petitioner and his siblings have partitioned via Document No.2027 of 2021 and in respect of S.No.978 they have orally partitioned the same and the petitioner was in possession and enjoyment. On 17.04.2024, the fifth respondent caused trouble to the petitioner by claiming that property in S.No.978 is belongs to him. When the petitioner verified, he came to know that fifth respondent had executed a Settlement Deed dated 03.04.2024 in favour of the sixth respondent.



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3. Learned counsel for the petitioner submits that after the petitioner's verified the certified copy of the above said document, the petitioner came to know that the fourth respondent has passed impugned order dated 26.02.2024 by bifurcating the UDR Patta No.523 in S.No.978/3 and issued separate patta in Patta No.5919 and subsequent patta No.5960 without issuing notice to the petitioner or other legal heirs, which is in violation of principles of natural justice. Learned counsel further submits that the petitioner made several representations to cancel the patta and above said settlement deed but of no avail. Aggrieved by the same, the petitioner has approached this Court by way of filing this present writ petition.

4. Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of respondents 1 to 4.

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, directs the second respondent to conduct the enquiry on the application of the fifth



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respondent by issuing notice to the petitioner in the light of the impugned order of the fourth respondent, affording an opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration of all relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law and by following the above principles of natural justice within a period of six weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.

10.06.2024

cda

Index : Yes/No

Speaking/Non Speaking order

J.SATHYA NARAYANA PRASAD, J.



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cda

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To

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