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W.P.No.30923 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.30923 of 2024

and

WMP.No.33504 of 2024

A. Maniyammai

...Petitioner

Vs.

1. The District Collector,
Collecorate, Kallakurichi District.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Kallakurichi.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kallakurichi.
4. The Tashildar,
Taluk Office,
Sankatapuram Taluk.
5. A.Sivakumar

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to remove the name of fifth respondent in patta No.49 which was issued by the fourth respondent in respect of property which is situated at S.F.No.142/2B, Manjappur Village, Sankarapuram Taluk, Kallakurichi District with extent of 0.52.00 Hectare.



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For Petitioner : Mr.P.Saravanan

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

ORDER

The petitioner herein seeks a direction to the respondents to remove the name of the fifth respondent in patta No.49 which was issued by the fourth respondent in respect of property situated in S.F.No.142/2B, Manjappur Village, Sankarapuram Taluk, Kallakurichi District.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents 1 to 4, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that the above mentioned property originally belonged to petitioner's husband Annamalai and patta was issued in his name in patta No.49. After death of petitioner's husband, the petitioner and other legal heirs applied for mutation of revenue records in the name of the petitioner and her children. At the time of mutation of revenue records, the name of the fifth respondent was wrongly included in patta in the above



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mentioned property. It is the case of the petitioner that the fifth respondent has no right over the property and his name was wrongly included in the revenue records. The petitioner also filed an appeal challenging the order passed by the fourth respondent issuing joint patta in the name of the petitioner, her children and fifth respondent and seeking deletion of the fifth respondent's name. The appeal was presented before the third respondent on 14.08.2024 and the same has been pending without any progress. Therefore, the petitioner is before this Court.

4. Mr. A.Selvendran, learned Special Government Pleader, who takes notice for the respondents 1 to 4 would submit that the appeal pending on the file of the third respondent would be considered on its own merits and appropriate orders will be passed.

5. In view of the above submission made by the learned Special Government Pleader, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the third respondent to dispose of the appeal filed by the petitioner dated 14.08.2024 and pass final orders, after issuing notice to the petitioner and the fifth respondent and any



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other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

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

No costs. Consequently, connected miscellaneous petition is closed.

22.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

To

1. The District Collector,
Collecorate, Kallakurichi District.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Kallakurichi.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kallakurichi.
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S. SOUNTHAR, J.

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