



W.P.No.29046 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.29046 of 2024

Chinna Goundar @ Chinnaya Gounder
...Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Villupuram, Villupuram District.
2. The sub-Collector / Revenue Divisional Officer,
Office of Sub - Collector / Revenue Divisional Officer,
Tindivanam, Villupuram District.
3. The Thasildar,
office of the Thasildhar,
Gingee Taluk, Villupuram District.
4. Sumathi
...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 and pass orders on the petitioner's Appeal dated 03.04.2024 filed under Patta Passbook Act submitted for cancellation of false Patta bearing No.1090 issued in favour of the fourth respondent for the land to an extent of 2.24 ares in Survey No. Survey No.31/1A2B of Gingee Village, Villupuram Taluk & district



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W.P.No.29046 of 2024

and issue separate patta in favour of the petitioner for his part of lands.

For Petitioner : Mr.V.R.Appaswamee

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

ORDER

The petitioner herein seeks for a direction to the first respondent to consider his Appeal dated 03.04.2024 filed under Patta Passbook Act for cancellation of the Patta bearing No.1090 issued in favour of the fourth respondent.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents 1 to 3, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that he filed a suit for partition in O.S. No. 37/2010 on the file of the Sub Court, Gingee for partitioning the family properties including the property in Survey No. 31/1A2B, Gingee Village, Villupuram Taluk & district. The dispute between the parties has been settled among themselves by entering into a compromise. Based on the compromise memo the suit was decreed as settled through Lok Adalat on



04.10.2012. As per compromise arrived at between the parties, the land measuring an extent of 7 cents out of 1.89 Acres in Survey No.31/1A was allotted to the petitioner along with other parties. Even during pendency of the suit 5 cents of the above mentioned property was sold by the petitioner's grandson Vijayakumar. Subsequently, the third respondent issued a patta in patta No.1090 in favour of the fourth respondent. Aggrieved by the same, the petitioner filed an appeal dated 03.04.2024 before the second respondent seeking cancellation of the patta issued in the name of the fourth respondent but the same has not been considered till date. Therefore, the petitioner is before this Court.

4. Mr. P. Sathish, learned Additional Government Pleader, who takes notice for the respondents 1 to 3 would submit that the appeal of the petitioner would be considered on its own merits and appropriate orders will be passed.

5. In view of the above submission made by the learned Additional Government Pleader, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the second respondent to consider the appeal filed by the petitioner on 03.04.2024 and pass final orders,



W.P.No.29046 of 2024

after issuing notice to the petitioner as well as the fourth respondent and any 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.

03.10.2024

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

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W.P.No.29046 of 2024

S. SOUNTHAR, J.

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