



WEB COPY



WP.No.34376 of 2024

In the High Court of Judicature at Madras

Dated : 29.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34376 of 2024

A.Rajenthiran

Vs

...Petitioner

1.The District Collector,
Salem, Salem District.

2.The District Sub-Collector,
District Collectorate Campus,
Salem District.

3.The Revenue Divisional Officer,
Kadayampattu Taluk,
Salem District.

4.The Tahsildar, Kadayampattu
Taluk, Salem District.

5.P.Jamuna

6.R.Venu

7.R.Parvathi

8.R.Sakthivel

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to direct the second respondent and the third respondent to pass an order based on the representation dated 18.9.2024 to cancel the patta issued by the fourth respondent herein in patta No.676 to



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respondents 5 to 8 herein for the petitioner's property comprised in punjai land in Survey No.356/1 situated in Koo.Kuttapatti Village, Kadayampatti Taluk, Salem District.

For Petitioner : Mr.K.Krishnan
For R1 to R4 : Mr.E.Balamurugan, GA

ORDER

The petitioner seeks a Mandamus from this Court directing the first respondent to direct respondents 2 and 3 to pass an order based on the representation dated 18.9.2024 to cancel the patta issued by the fourth respondent herein in patta No.676 to respondents 5 to 8 herein for the petitioner's property comprised in punjai land in Survey No. 356/1 situated in Koo.Kuttapatti Village, Kadayampatti Taluk, Salem District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for respondents 1 to 4.

3. The case of the petitioner is as follows :

(i) The petitioner's grandfather purchased the agricultural lands in survey No.356/2 Punjai measuring 0.070 cents, Koo.Kuttapatti Village, Kadayampattu Taluk, Salem District from one Mr.Annamalai.



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It was purchased in the year 1956 under a sale deed dated 07.6.1956 registered on the file of the Sub-Registrar, Omalur, Salem District. After the lifetime of his grandfather, the entire extent of the said land was enjoyed by both the petitioner's father and his junior paternal uncle - one Mr.Ramasamy Mudaliar.

(ii) Later, the petitioner came to know that despite his father having a right in the said property, the said Mr.Ramasamy Mudaliar had clandestinely got patta in his name in the year 1965. However, the possession of the said property was with the petitioner's father. The said Mr.Ramasamy Mudaliar had, in fact, given a go-by to the panchayat deed entered into between himself and the petitioner's father in the year 1965. The petitioner's father died on 22.11.1993. In the light of the patta standing in the name of the said Mr.Ramasamy Mudaliar, his legal heirs also, by suppressing the panchayat deed of the year 1965, mutated the patta in their names in respect of the land in S.F.Nos.356/1 and 356/2A.

(iii) On coming to know of the same, the petitioner made representations in person and in writing to the official respondents to cancel the patta granted in favour of respondents 5 to 8 and issue patta in favour of the petitioner. Therefore, the petitioner has come forward with the above writ petition.



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4. On 18.9.2024, the petitioner had submitted a representation to respondents 2 to 4 and the Tahsildar, Salem and it has not been taken into consideration. Respondents 2 to 4 have failed to discharge their statutory duty to consider and pass orders on the said representation of the petitioner for cancellation of the patta granted in favour of respondents 5 to 8.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent to consider the said representation dated 18.9.2024, conduct an inquiry, hear both the petitioner as well as respondents 5 to 8, give them an opportunity of personal hearing and pass appropriate orders within a period of 12 weeks from the date of receipt of a copy of this order.

29.11.2024

To

1.The District Collector,
Salem, Salem District.

2.The District Sub-Collector,
District Collectorate Campus,
Salem District.



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RS

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