



WEB COPY



W.P.No.34032 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.34032 of 2024

Chandrasekar

... Petitioner

Vs.

1.The District Collector
Thiruvannamalai District

2.The District Revenue Officer
Thiruvannamalai District

3.The Revenue Divisional Officer
Thiruvannamalai District

4.The Thasildar
Kelpenathur Taluk, Thiruvannamalai District

5.Periyanna

6.Veerammal

7.Periyayee

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, directing the Respondents 1
to 4 to cancel the patta in Patta No. 1076 after Sub Dividing the property as



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S. No 23/ 1B3D issued in the name of the Periyanna based on the fraudulent partition deed dated 5.6.2024 and issue Patta in the name of petitioner and the legal heirs of the said Venugopal and grant such other relief deem fit and proper under the circumstances of the case thus render justice.

For Petitioner : M/s.R.Rajarajan

For Respondents : M/s.P.Satish, AGP
for R.1 to R.4.

ORDER

The writ petition is filed for the following reliefs:-

" directing the Respondents 1 to 4 to cancel the patta in Patta No. 1076 after Sub Dividing the property as S. No 23/ 1B3D issued in the name of the Periyanna based on the fraudulent partition deed dated 5.6.2024 and issue Patta in the name of petitioner and the legal heirs of the said Venugopal"

2. Heard the learned counsels on either side.

3. The Writ Petition is being disposed of at the admission stage



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without notice to the private respondents since a mere perusal of the impugned Patta No.1076 clearly indicates that there has been no notice issued to the original patta holders, namely, the petitioner's father and others in whose names the joint patta stood.

4. The Patta Passbook Act contemplates that in case of modification of the patta notice has to be issued to all interested parties. In the instant case, notice has not been issued to the original pattadars. Therefore, the Writ Petition is disposed of. The impugned Patta No.1076 is set aside and the matter is remitted back to the 4th respondent. The 4th respondent is directed to issue fresh notice to the petitioner as well as others who have sought for the cancellation of patta, afford them a personal hearing and thereafter pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To



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P.T. ASHA. J.,

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