



W.P.No.36907 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 36907 of 2024

K.Nagaraj

...Petitioner

Vs.

1.The District Collector
Coimbatore District Collector Office,
Coimbatore

2.The Revenue Divisional Officer
North Zone Revenue Divisional Office,
Kavundampalayam,
Coimbatore-641 035

3.The Tahsildar
Coimbatore North Zone,
Tahsildhar Office, Dr.Balasundram Road,
Coimbatore-641 018

4.The Revenue Divisional Officer
South Zone Revenue Divisional Office,
Railway Station Road, Coimbatore-641 018



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5.The Tahsildar
Sulur Circle Tahsildhar Office,
Coimbatore District

6.Sinraj

7.Sundharasamy

8.K.Prakash

9.Visagapriya

10.Jagadheesan

11.Velusamy

12.R.Parthiban

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus directing the 2nd, 3rd, 4th and 5th respondents to pass a final order by considering petitioner's representation dated 25.07.2024 and to cancel the patta which is obtained by illegal and issue the patta in favour of the petitioner.

For Petitioner : M/s. Haritha

For Respondents : Mr. G.Velu
1 to 5 Additional Government Pleader.



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ORDER

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Aggrieved by the failure on the part of the respondents to consider and pass orders on the petitioner's representation dated 25.07.2024, the petitioner is before this Court.

2. It is the case of the petitioner that during the reign of King of Mysore, in the year 1881 Inam land was given to his ancestors, namely, Rayan and Karuppan, in respect of several properties. The said properties have been in the family of the petitioner for over a century. The petitioner would submit that on 17.08.2022, he had given a petition before the Tahsildar to subdivide the land. However, no action was taken on the same. A notice had been given on 13.07.2023 to make subdivision of the above. Once again there was no response to the same.

3. The petitioner would further submit that on 05.10.2020, he had given a petition to survey the land and on 30.12.2024 the Village



Administrative Officer of Kaniyur Village, was recommended for issue of patta in favour of the legal heirs of Rayan and Karuppan.

4. On 21.06.2022, the Special Assistant to the Minister of Revenue and Disaster Management Department, directed the District Collector to take further action on the petitioner's petition. The said Rayan expired on 10.06.1940 and his son Karuppan died on 05.11.1961. Karuppan's legal heirs were Selvaraj and Nagaraj.

5. Selvaraj and Nagaraj had purchased S.No.557/1, 3 which is registered on the file of the Sub Registrar Office, Sular. The said Selvaraj died on 10.03.2017. It appears that patta No.1202 in respect of Ka.Sa.557/1, 3 was issued illegally in favour of Muthukumar, Parthasarathy, Sivakami, Rathinaswamy, the legal heirs of Chinnaya Gounder. These persons are not in any way related to the subject property and they had created fraudulent documents. Therefore, the petitioner made a detailed representation to the respondents 2 to 5. Since there is no response, the petitioner is before this Court.



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6. Heard the learned counsels on the either side and perused the records.

7. Considering the aforesaid narration and the fact that the patta was issued to persons unconnected to the property, which is sought to be cancelled by petitioner vide his representation dated 25.07.2024, a mandamus is issued to the respondents 2 to 5 to consider the representation of the petitioner dated 25.07.2024, after issuing due notice to either parties, receive objection and hear the same after giving them a personal opportunity, within a period of 12 weeks from the date of receipt of a copy of this order.

8. The Writ Petition is allowed. No costs.

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Index : Yes/No
Internet : Yes/No
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