



W.P.(MD)No.629 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.629 of 2024

P.John

... Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

4.The Tahsildar,
Aathur Taluk,
Dindigul District.

5.Ayyanar @ Atharmalai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to conduct an enquiry with regard to the cancellation of patta obtained by the fifth respondent for the properties situated in S.No.49 (patta nO.481) of Narasingapuram Village, Aathur Taluk, Dindigul District and in S.No.313/12, 313/18, 326/3, 333/2, 338/11, 224/3, (Patta No.328) of Palayamkottai Village,



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Aathur Taluk, Dindigul District and to restore the same into the name of the petitioner's grand-mother namely Mookammal on the basis of the petitioner's representation, dated 04.07.2022.

For Petitioner : Mr.M.Sankar

For R1 to R4 : Mr.SRA.Ramachandran
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the third respondent to conduct an enquiry with regard to the cancellation of patta obtained by the fifth respondent for the properties situated in S.No.49 (patta nO.481) of Narasingapuram Village, Aathur Taluk, Dindigul District and in S.No.313/12, 313/18, 326/3, 333/2, 338/11, 224/3, (Patta No.328) of Palayamkottai Village, Aathur Taluk, Dindigul District and to restore the same into the name of the petitioner's grand-mother namely Mookammal on the basis of the petitioner's representation, dated 04.07.2022.

2. Heard Mr.M.Sankar, learned counsel appearing for the petitioner, Mr.SRA.Ramachandran, learned Additional Government Pleader appearing for the respondents 1 to 4.



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WEB COPY 3. Considering the nature of the order proposed to be passed, protecting the interest of the 5th respondent also, notice to the fifth respondent is dispensed with. By consent, this writ petition is disposed of at the admission itself.

4. According to the petitioner, the petitioner's grandmother's properties are situated in S.No.49 at Narasingapuram Village, Aathur Taluk, Dindigul District. His grandmother does not have any male legal heir. His mother namely Muthupillai is the only legal heir of his grandmother. By utilizing this chance, the 5th respondent fraudulently created a settlement in respect of property in S.Nos.313/12, 313/18, 326/3, 333/2, 338/11, 224/3 of Palayamkottai Village, Aathur Taluk, Dindigul District. Since then 1959, his grandmother Mookammal alone the title holder of the above said properties. In such circumstances, the 5th respondent and his relatives fraudulently made the revenue records of the above properties and transferred the tile and patta into their names. Hence, the petitioner has sent a representation, dated 04.07.2023 to the respondents 1 to 4. The third respondent issued summon vide Na.Ka.No. 7230/2023/A4 dated 14.09.2023 called upon the petitioner to appear for an enquiry on 26.09.2023 at 03.00 p.m. Accordingly, the petitioner had also attended the enquiry and the same has not been concluded till date and hence,



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the petitioner has approached this Court by way of filing the present Writ

Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that already part of the enquiry has been completed and if the Court grants another four weeks time, the same will be disposed of.

6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the third respondent, the Revenue Divisional Officer, Dindigul District, Dindigul to complete the enquiry proceedings by considering the petitioner's representation dated 04.07.2022 and pass orders on merits and in accordance with law on or before 29.02.2024.

7. Accordingly, this writ petition is disposed of. No costs.

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Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.

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