



W.P.(MD)No.1813 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1813 of 2024

K.Selvaraj

... Petitioner

Vs

1.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

2.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

3.Arumugasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to dispose of the appeal dated 27.11.2023 filed by the petitioner pertains to the cancellation of fraudulent patta issued in favour of the third respondent in Patta No.1399 in respect of the property situated in S.No.506/3, Sengottai Village, Virudhunagar Taluk and District measuring an extent of 1 acre and 43 cents.

For Petitioner

: Mr.P.Bala Senthil Kumar

For R1 & R2

: Mr.SRA.Ramachandran
Additional Government Pleader



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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to dispose of the appeal, dated 27.11.2023 filed by the petitioner pertains to the cancellation of fraudulent patta issued in favour of the third respondent in Patta No.1399 in respect of the property situated in S.No. 506/3, Sengottai Village, Virudhunagar Taluk and District measuring an extent of 1 acre and 43 cents.

2. Heard Mr.P.Bala Senthil Kumar, learned counsel appearing for the petitioner and Mr.SRA.Ramachandran, learned Additional Government Pleader appearing for the respondents 1 & 2.

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

4. According to the petitioner, the property situated in S.No.506/3 Sengottai Village, Virudhunagar Taluk and District measuring an extent of 1 acre and 43 cents was originally belonged to his father Late.Karuppaiah. His father died on 09.06.1990 leaving behind his wife, sons and daughter.



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Thereafter, on 16.09.2007 the petitioner's mother died. As on date, the family members of the petitioner are in absolute possession and enjoyment of the property. In the meantime, one Arumugasamy, S/o.Krishnan, who is no way connected with the subject property, had fraudulently created some documents. Based on which, he obtained fraudulent patta in his name in Patta No.1399. Immediately, after knowing the said fact, the petitioner filed an appeal before the first respondent vide appeal dated 27.11.2023 seeking for cancellation of patta issued in favour of the third respondent in Patta No.1399 and restore the same in Patta No.150. Till then, the first respondent has not considered the petitioner's appeal. Hence, 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 & 2 would submit that appropriate direction may be given to the first respondent to dispose of the appeal dated 27.11.2023 pending before the first respondent, in accordance with law, within a time frame.

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 first respondent to dispose of the appeal dated 27.11.2023 filed by the petitioner after



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holding an enquiry, pass orders on merits and in accordance with law after affording an opportunity to all the parties concerned. Such exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

31.01.2024

Index : Yes/No

Internet: Yes/No

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To

1.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

2.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.



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V.BHAVANI SUBBAROYAN, J.

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