



W.P(MD)No.105 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.105 of 2022

Palavesamuthu

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Srivaikundam,
Thoothukudi District.
- 4.The Tahsildar,
Srivaikundam,
Thoothukudi District.
- 5.The Special District Revenue Officer,
Land Acquisition,
(Chennai- Kanniyakumari Land Acquisition),
12-20, Maharajan Nagar,
Palayamkottai,
Tirunelveli District.



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6.The Inspector of Police,
Land Grabbing,
Collectorate Complex,
Thoothukudi District.

7.Thangam

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to restore the patta (patta No.720) in survey No.17 situated at Tholappapannai Village, Srivaikundam Taluk, Thoothukudi District and issued the patta in favour of the petitioner and his sisters based on the representations dated 17.08.2021 and 29.10.2021.

For Petitioner : Mr.A.Gandiappan

For Respondents : Mr.D.Sasikumar
Additional Government Pleader
for R.1 to R.5

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.6

No appearance for R.7

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 5 and the learned Government Advocate (Criminal Side) appearing for



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the sixth respondent. There is no representation on the side of the seventh respondent even though she has been served and her name is printed in the cause list.

2.The petitioner is aggrieved by the inclusion of the seventh respondent as joint pattadhar in respect of the petition mentioned property. The petitioner's case is that a portion of the property was acquired for laying road and only then the petitioner came to know that the seventh respondent has also raised claim on the strength of a registered sale deed dated 27.11.1997. The said sale deed purportedly been executed by the petitioner's father Perumal Thevar.

3.The learned counsel appearing for the petitioner states that Perumal Thevar is illiterate and that this sale deed dated 27.11.1997 propounded by the seventh respondent is a piece of rank forgery.

4.The writ Court cannot be expected to go into these aspects. If the petitioner has admittedly filed an appeal before the Revenue Divisional Officer, Srivaigundam. The petitioner is permitted to submit a fresh petition before the third respondent. If any such petition is filed,



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the same will be enquired into and final order on merits and in accordance with law will be passed after issuing notice to the seventh respondent. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioner as well as the defences of the seventh respondent are left open. The third respondent will pass final order within a period of twelve weeks from the date of receipt of a fresh application from the writ petitioner.

5.This writ petition is disposed of accordingly. There shall be no order as to costs.

16.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.



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- 3.The Revenue Divisional Officer,
Srivaikundam, Thoothukudi District.
- 4.The Tahsildar,
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Thoothukudi District.
- 5.The Special District Revenue Officer,
Land Acquisition,
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G.R.SWAMINATHAN,J.

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