



W.P.(MD) No.23393 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23393 of 2024

and

W.M.P(MD)No.19794 of 2024

P.Kannan

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai.

4.The Tahsildar,
Office of the South Taluk-Tahsildar,
Madurai South,
Madurai.

5.The Village Administrative Officer,
Chinthamani Village,
Madurai.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to cancel the patta No.1679 of Anuppanadi Village, Madurai which is issued based on the wrong legal heirs and consequently direct to issue the patta in the name of the original valid legal heirs on the basis of the representation, dated 24.05.2024 within a time frame as stipulated by this Court.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

Seeking a mandamus to the respondents to cancel the Patta No. 1679 of Anuppanadi Village, Madurai which has been issued to persons unconnected to the property and consequently, direct the issue of patta in the name of valid legal heirs on the basis of the petitioner's representation, dated 24.05.2024, the petitioner is before this Court.

2. It is the case of the petitioner that the property in Survey Nos. 54/1 and 54/2 measuring an extent of 66 cents of vacant land in the Anuppanadi village, Madurai South Taluk, Madurai belonged to one



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Kuppanidi @ Kaathan Yegali and Vellaiyammal (petitioner's grand parents) by virtue of a registered sale deed bearing document nos.5822 of 1958 and 4464 of 1961 on the file of the Sub Registrar Office, Mahal, Madurai. On the demise of the petitioner's grand mother on 11.12.1980 and grand father on 12.03.1986, the rights in respect of the above property devolved exclusively on their only son, namely K.Pandi, the petitioner's father. The petitioner's father died on 06.06.1991. The revenue documents in the 'A' register stood in the name of his father. After the death of his father, taking advantage of the illiteracy and poverty of the petitioner to maintain the property, it appears that the adjacent land owner one Lakshmana Naidu with the active connivance of the land mafia, attempted to usurp the property by forgind and fabricating documents.

3. The said Lakshmana Naidu mutated the patta in respect of the ancestral property of the petitioner in his name. This was based upon an alleged power of attorney in the name of one Ethirajalu in Document No. 591/1993 filed by one Kamatchi and executed by Seeniammal, Kamatchi,



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Irulayee, Aatheeswari, Angayarkanni and Pandi Maharajan. Thereafter, a forged sale deed was registered in the Parasalai Sub Registrar Office in the State of Kerala in favour of Lakshmana Naidu by the said Ethirajalu who is none else than the brother-in-law of Lakshmana Naidu and Kamatchi who has nothing to do with the property in question. The persons who are alleged to have executed the power of attorney in favour of Ethirajalu have nothing to do with the property and not the owners of the property in question. Therefore, on the basis of these forged documents, the patta has been transferred. This was challenged by the petitioner before the Tahsildar. The revenue records stood in the name of Pandi and on his demise, the property would only devolve on his legal heirs. All the documents that have been produced on the side of Lakshmana Naidu are forged documents. The petitioner would submit that K.Pandi had two wives, namely Seeniammal (1st wife) and Irulayee (2nd wife) and both of whom are no more. The children born to Pandi are as follows: Selvi, Sentharamai Kannan, Lakshmi, Senthamarai Selvi, Jothi Lakshmi, Aathi Lakshmi, Kannan, Angayarkanni and Jambu. The petitioner would submit that he had submitted his representation, dated



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24.05.2024 to cancel the legal heirship certificate issued in Pa.Mu.No. 2425/1992 and to initiate legal action against Lakshmana Naidu who had obtained Patta No.1679 on the basis of this false legal heirship certificate and to cancel the patta which has been obtained by Lakshmana Naidu by committing fraud and thereafter, to issue patta to the rightful legal heirs. Interestingly, in response to the RTI query raised by the petitioner to the Tahsildar as to whether the legal heirship certificate bearing Pa.Mu. 2425/1992 had been issued by them or not, a reply dated 23.05.2024 has been received wherein it is stated that the certificate of this number relates to another section and the file has been closed and the same is not available in the records.

4. Considering the facts and circumstances of the case, this Court directs the 4th respondent to consider the representation, dated 24.05.2024 and pass orders after perusing the documents from either side particularly from Lakshmana Naidu as to how he has obtained title to the property particularly when the legal heirship certificate is not found in the records of the 4th respondent and after issuing notice to the rival



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parties and affording them an opportunity of personal hearing. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

5. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

01.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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