



W.P.(MD) No.23367 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23367 of 2024

N.Priya @ Pitchaimani

.. Petitioner

Vs.

1.The District Collector,
District Collector Office,
Theni District.

2.The District Revenue Officer,
Theni,
Theni District.

3.The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.

4.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

5.The Village Administrative Officer,
Kombai West,
Uthamapalayam Taluk,
Theni District.

6.M.Jeyakodi

.. 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 respondent no.4 to conclude the patta cancellation proceedings for the lands in S.Nos. 376/1, 2 in Kombai West Village, Uthamapalayam Taluk, Theni District in light of the communication proceedings made in O.Mu.No. 4730/2024/A2, dated 07.08.2024 by the 4th respondent to 5th respondent within the time stipulated by this Court.

For Petitioner : Mr.J.Uthaya Kumar

For R1 – R5 : Mr.P.Thambidurai
Government Advocate

ORDER

The petitioner's application for cancellation of patta made on 10.07.2024 has not progressed beyond the Tahsildar, namely the 4th respondent calling upon the 5th respondent Village Administrative Officer to inspect the land and submit a report. Aggrieved by this inaction, the petitioner is before this Court.

2. The petitioner's grievance is that the properties which are the subject matter of this writ petition belongs to her by virtue of a registered



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gift settlement deed, dated 18.09.2009. The petitioner has been in possession and enjoyment of the property from the date of the settlement and she had been carrying on agricultural activities on this land. When she had decided to obtain a loan and was asked to produce the patta, she discovered that the survey number had been subdivided as Survey No. 376/1 and 2 and patta in respect of Survey No.376/1 stood exclusively in the name of the 6th respondent in Patta No.5401 and jointly in the petitioner's patta bearing Patta No.4301. The basis on which the 6th respondent had obtained patta was on the basis of a forged sale deed said to have been executed by the petitioner's father-in-law and brother-in-law and husband in favour of the 6th respondent with reference to an extent of 88 cents under Document No.1865/2010. This document is a rank forgery and further, the persons executing the sale deed had no right to the property since the property had already been settled in the petitioner's favour as early as on 18.09.2009. Therefore, she had made an application to the respondents, pursuant to which a communication has been made by the 4th respondent to the 5th respondent for taking necessary action. The 5th respondent in turn has not taken any steps on the representation of the



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petitioner. Aggrieved by the inaction on the part of the respondents, the petitioner is before this Court.

3. Considering the fact that the communication has been made by the 4th respondent to the 5th respondent for taking necessary action, a Mandamus is issued to the respondents to consider the representation of the petitioner, dated 10.07.2024 and pass orders after issuing notice to the petitioner as well as the 6th respondent and affording them an opportunity of personal hearing within a period of four (4) weeks from the date of receipt of copy of this order.

4. With the above directions, this Writ Petition stands allowed. No costs.

01.10.2024

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

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P.T.ASHA, J.

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