



WP(MD)No.24412 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.24412 of 2024

P.Devasagayam

...Petitioner

Vs

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

2.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

3.Saifullah Khan

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus directing the respondents to consider the petitioner's representation dated 06.11.2023 within the time stipulated by this Court.

For Petitioner : Mr.V.R.Sundareshwar

For Respondent : Mr.B.Saravanan,

Nos.1 & 3 Additional Government Pleader



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ORDER

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The petitioner claims that the property in S.No.86/4D to an extent of 0.26.0 hectares 57 cents situated in Elayirampannai village, Vembakottai Taluk, Virudhunagar district originally belongs to his father Paul Nadar. His father had executed a gift settlement deed on 23.07.1975 on the subject property in document No.1660 of 1975. Since then he has been in possession of the property. However his brother by name Christopher without his knowledge has created document in favour of the 3rd respondent and the 3rd respondent was also issued with patta. The petitioner knowing this has approached the Tahsidlar in the year 2021 and the Thasildar has made a request to the Revenue Divisional Officer to cancel the patta. While so, the petitioner's brother Christopher has filed a suit in OS.No.10 of 2009 seeking partition of the family properties and by referring the said suit the Revenue Divisional Officer has rejected the request of this petitioner that the petitioner can revive his application after the disposal of the suit in OS.No.10 of 2009. The learned Counsel submits that the suit in OS.No.10 of 2019 has been dismissed by the Principal District and Sessions Court, Virudhunagar by judgment and decree dated 30.01.2023. After the disposal of the suit the petitioner has submitted a representation dated 06.11.2023



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seeking to cancel the patta granted in favour of the 3rd respondent. However, the respondents have not considered the same and therefore, the petitioner is before this Court.

2.This Court has considered the submission of the learned Counsel for the petitioner and also perused the materials placed on record.

3.This Court is satisfied that the Revenue Divisional Officer in his earlier proceedings dated 26.09.2022 has directed the petitioner to approach the authorities after the disposal of the suit filed by the petitioner's brother. The petitioner has also enclosed the judgment and decree passed in OS.No. 10 of 2009, dated 30.01.2023. Therefore this writ petition is disposed of with a direction to the respondents 1 and 2 to consider the petitioner's representation dated 06.11.2023 and pass order on merits and in accordance with law, after affording an opportunity of hearing to the 3rd respondent, within a period of four months from the date of receipt of a copy of this order.

18.10.2024

Internet : Yes / No
Index : Yes / No
DSK



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B.PUGALENDHI.J.,

DSK

To

- 1.The Revenue Divisional Officer,
Venkatachalapuram,
Sattur Taluk,
Virudhunagar District.
- 2.The Tahsildar,
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