



W.P(MD)No.26234 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)No.26234 of 2024

G.Srinivasan

... Petitioner

Vs.

1.The District Collector,
Pudhukkottai District,
Pudhukkottai.

2.The Revenue Divisional Officer,
Illupur Taluk,
Pudhukkottai District.

3.The Tahsildar,
Illupur Taluk,
Pudhukkottai District.

4.Selvaraj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to consider the representation dated 11.09.2024 and consequently direct to the third respondent to issue revised patta by including the name of the legal heirs of the petitioner's father within a time frame that may be stipulated by this Court.



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For Petitioner : Mr.A.Azhageson

For Respondents : Mr.Muthu Manikkam
Government Advocate
for R.1 to R.3

ORDER

This writ petition has been filed to direct the third respondent to consider the representation dated 11.09.2024 and consequently direct the third respondent to issue revised patta by including the name of the legal heirs of the petitioner's father.

2. The petitioner's father Govindarajan was married to one Mahalakshmi and they had three children, namely, Lavanya, Sangeetha and the petitioner. The petitioner's father owned the property in Survey No.36/37, Illuppur Taluk, Pudhukkottai District to an extent of 2.92 ares and till his death he was in possession and enjoyment of the same without any interference from any party. The petitioner's father died on 30.06.1996 and the petitioner also obtained legal heirship certificate incorporating the names of the legal heirs of his father. After obtaining legal heirship certificate, the petitioner took effective steps to modify the patta in favour of the legal heirs by invoking Section 10 of the Patta



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Passbook Act. When the petitioner verified the status of the patta, he came to know that the patta was issued by the third respondent on 23.07.2024, to the fourth respondent who was in no way connected to the petitioner's family. The petitioner states that as the third respondent without verifying the documents, issued the patta in favour of the fourth respondent, he gave a representation to the third respondent on 11.09.2024, to issue revised patta by including the names of the legal heirs. As no action was taken by the third respondent, the petitioner filed the writ petition for the aforesaid relief.

3.The learned Government Advocate produced the communication of the third respondent / Tahsildar, Illuppur Taluk, dated 04.11.2024. It is seen from the communication that the matter is now pending before the Revenue Divisional Officer / second respondent for enquiry.

4.In view of the aforesaid facts, this Court is inclined to issue direction to the second respondent to conduct enquiry and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. The second respondent shall issue notice to the petitioner and give opportunity of hearing before passing the orders. If



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the petitioner despite notice of hearing fails to avail the opportunity, the second respondent / Revenue Divisional Officer shall pass orders on merits and in accordance with law within the stipulated period of eight weeks, notwithstanding the petitioner's absence.

5.This Writ Petition is disposed of accordingly. There shall be no order as to costs.

04.11.2024

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

To

- 1.The District Collector,
Pudhukkottai District,
Pudhukkottai.
- 2.The Revenue Divisional Officer,
Illupur Taluk,
Pudhukkottai District.
- 3.The Tahsildar,
Illupur Taluk,
Pudhukkottai District.



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N.MALA, J.

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