



W.P.(MD) No.25763 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25763 of 2024

and

W.M.P(MD)No.21831 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,
The office of the Revenue Divisional Officer,
Narasingampatti, 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 Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 08.10.2024 passed by the 3rd respondent vide proceeding No.ஒ.மு.எண்.ஆ.3/4946/2024 and quash the same as illegal and consequently direct 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 within a time stipulated in accordance with law.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The present writ petition has been filed challenging the order passed by the 3rd respondent in ஒ.மு.எண்.ஆ.3/4946/2024 and to consequently direct the respondents to cancel the Patta No.1679 of Anuppanadi Village, Madurai which is issued based on the wrong legal heirs certificate and consequently direct to issue the patta in the name of the original valid legal heirs.



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2. The earlier order of this Court, dated 01.10.2024 in W.P(MD)No.23393 of 2024 is to consider and pass orders on the petitioner's representation, dated 24.05.2024 within a period of twelve (12) weeks from the date of receipt of copy of this order with directions. This Court was of the view that the petitioner has pleaded fraud and there appears to be some substance in the statement in the light of the fact that the revenue authorities themselves under the Right to Information Act is unable to prove as to how the legal heirship certificate which is now claimed to be a fraudulent one has been issued stating that the records are not available. While so, even without pursuing the above order and without complying with the directions therein, the representation made by the petitioner to cancel the invalid patta issued on the basis of a bogus legal heirship certificate has been rejected. Therefore, the impugned order of the 3rd respondent, dated 08.10.2024 is set aside and the matter is remitted back to the 3rd respondent with a direction to pass orders on the petitioner's representation, dated 24.05.2024 by complying with the earlier order of this Court, dated 01.10.2024 made in W.P(MD)No.23393 of 2024.



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

28.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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P.T.ASHA, J.

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