



WP(MD)No.27127 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.27127 of 2024

M.Kathuriammal

...Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Thasildar,
Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.

4.M.Saminathan

5.C.Kalimuthu

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondent No.1 to 3 to consider the representation dated 01.04.2024 and cancel the patta which are all stands in the name of the fifth respondent and subsequently issue the patta in favour of the petitioner over the said properties within the stipulated time fixed by this Court.

For Petitioner
For R1 to R3

: Mr.N.Kalimuthu
: Mr.R.Ragavendran
Government Advocate



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ORDER

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This Writ Petition is filed for issuance of writ of mandamus to direct the respondent No.1 to 3 to consider the representation dated 01.04.2024 and cancel the patta which are all stands in the name of the fifth respondent and subsequently issue the patta in favour of the petitioner over the said properties within the stipulated time fixed by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Based on the fraudulent documents, the fifth respondent managed to obtain patta in S.Nos.223/4, 131/6, 131/7, 131/9, 131/10, 83/2, 83/3, 83/10 in Kalukerkadai Village, Thiruppuvanam Taluk, Sivagangai District and hence, the petitioner has given a petition to the third respondent to cancel the patta issued in favour of the fifth respondent. The third respondent did not take any action. Therefore, the petitioner gave a representation on 17.08.2022 to the third respondent to cancel patta. As the third respondent did not take any action on the petitioner's representation, the petitioner approached this Court in W.P(MD)No.21887 of 2022 for a mandamus directing the respondents 1



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to 3 therein to consider the petitioner's representation dated 17.08.2022 and cancel the patta issued in the name of the fourth respondent therein within a stipulated time. This Court vide order dated 05.09.2022, disposed of the writ petition directing the the respondents to consider the petitioner's representation and pass orders within a period of eight weeks from the date of receipt of a copy of that order. While so, the second respondent orally informed the petitioner that the aforesaid order could not be complied with due to the pendency of the Second Appeal with regard to the title in S.A(MD) No.666 of 2022. The third respondent, in spite of directions of the second respondent, did not take any action to cancel the patta in favour of the fifth respondent and therefore the petitioner issued a notice on 15.12.2022. Even after the notice the third respondent did not take any action and so the petitioner sent another representation to the first respondent on 01.04.2024. No action was taken in pursuance thereof also. Therefore, the petitioner was constrained to file the above Writ Petition for the aforesaid relief.

4. The learned Government Advocate submits that there were a series of litigations between the parties which culminated in S.A(MD)No.666 of 2022 and as the Second Appeal was dismissed by



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this Court on 14.03.2024, the third respondent commenced the proceedings and conducted the enquiry but the enquiry was yet to be completed.

5. The learned counsel for the petitioner submits that after dismissal of the Second Appeal, no notice of enquiry was issued to the petitioner and therefore, the petitioner is not aware of any enquiry proceedings.

6. This Court considered the rival submissions.

7. The only reason for stalling the enquiry was the pendency of the Second Appeal. Now the Second Appeal has been dismissed and hence there is no impediment for the third respondent to conduct enquiry and pass orders on the petitioner's representation dated 01.04.2024, seeking cancellation of patta in the name of the fifth respondent. The third respondent is hence directed to consider the petitioner's representation and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.



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8. With the aforesaid direction, the Writ Petition stands disposed

of. No costs.

14.11.2024

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

To,
1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Thasildar,
Taluk Office,
Thiruppuvanam Taluk,
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N.MALA,J.

CM

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