



WP(MD)No.26931 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HON'BLE MRs.JUSTICE N.MALA

W.P(MD)No.26931 of 2024

Rahavan

...Petitioner

Vs.

1.The Collector,
Tenkasi District,
Tenkasi District.

2.The Revenue Divisional Officer,
Sankarankovil Division,
Sankarankovil
Tenkasi District.

3.The Tahsildar,
Taluk Office,
Thiruvengadam,
Tenkasi District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the second respondent to dispose the petitioner's petition dated 05.12.2022 and subsequent representation dated 05.08.2024 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Ponraj

For Respondents : Mr.A.Kannan
Additional Government Pleader



WP(MD)No.26931 of 2024

ORDER

WEB COPY

This Writ Petition is filed for issuance of writ of mandamus directing the second respondent to dispose the petitioner's petition dated 05.12.2022 and subsequent representation dated 05.08.2024 within a stipulated time that may be fixed by this Court.

2. The petitioner and his brother acquired a house site in Natham S.No.1330/32 in Vellakulam Village, from their father Perumalsamy. The petitioner and his brother were granted patta in Patta No.992 on 02.08.1991, by the revenue officials. As the third respondent erroneously and without any verification issued patta in favour of one Sankavanayakkar, son of Kirshnasamy, the petitioner gave a detailed representation on 12.05.2022, to the respondents 1 and 2 to take action against the illegal grant of patta. The petitioner also gave a reminder letter to the first respondent on 20.03.2023. Subsequently, the petitioner sent a representation to the respondents 1 to 3 on 05.08.2024, to cancel the patta and issue patta in his son's name. As the respondents did not take further action, the petitioner filed the present Writ Petition for the aforesaid relief.



WP(MD)No.26931 of 2024

WEB COPY

3. The learned counsel for the petitioner submitted that the petitioner is aged 75 years and therefore, the representation given to the respondents dated 05.08.2024, may be taken as an appeal and a direction may be issued to the respondents to dispose of the petitioner's appeal within a time frame to be fixed by this Court.

4. This Court heard the learned counsels and perused the materials available on record.

5. It is the grievance of the petitioner that the petitioner's patta was cancelled and patta was issued in favour of one Sankavanayakkar, son of Kirshnasamy, without any enquiry and without notice of cancellation to the petitioner. The petitioner therefore submitted a representation for cancellation of patta. Though the petitioner gave only a representation, considering the advanced age of the petitioner, I am inclined to accept the petitioner's counsel's submission. Accordingly, the second respondent is directed to consider the representation of the petitioner dated 05.08.2024 as an appeal and dispose of the same within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that the second respondent shall follow the procedure under the



WP(MD)No.26931 of 2024

relevant Act and Rules while considering the appeal.

WEB COPY

6. With the above direction, this Writ Petition is disposed of. No costs.

13.11.2024

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

To,

1.The Collector,
Tenkasi District,
Tenkasi District.

2.The Revenue Divisional Officer,
Sankarankovil Division,
Sankarankovil
Tenkasi District.

3.The Tahsildar,
Taluk Office,
Thiruvengadam,
Tenkasi District.



WEB COPY



WP(MD)No.26931 of 2024

N.MALA,J.

CM

W.P(MD)No.26931 of 2024

13.11.2024