



W.P.(MD)No.28083 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.28083 of 2024

Dhanalakshmi

... Petitioner

/Vs./

1.The District Collector,
Dindigul District,
Dindigul

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

3.The Tahsildar,
Dindigul East Taluk Office,
Dindigul,
Dindigul District.

4.Manikandan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd and 3rd respondents herein to cancel the patta in the name of the fourth respondent and issue the patta in favour of the petitioner with regard to property in Survey No. 719/43 to an extent of 0.01.71 square meter situated at Periyakottai Village, Dindigul East Taluk, Dindigul District based on her representation dated 09.11.2020.

For Petitioner : Mr.G.Gomathisankar

For R1 to R3 : Mr.A.Kannan

Additional Government Pleader



W.P.(MD)No.28083 of 2024

WEB COPY

ORDER

This Writ Petition is filed for issuance of Writ of Mandamus directing the respondents 2 and 3 herein to cancel the patta in the name of the fourth respondent and issue the patta in favour of the petitioner with regard to property in Survey No.719/43 to an extent of 0.01.71 square meter situated at Periyakottai Village, Dindigul East Taluk, Dindigul District, based on her representation dated 09.11.2020.

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

3. The petitioner states that the village natham property in Survey No.719/43 in Periyakottai Village, Dindigul East Taluk, Dindigul District, originally belonged to the petitioner's grandfather Kaliappan. The petitioner's grandfather put up a thatched house and was in possession of the same. The petitioner's grandfather was issued with "anubandha patta" in the year 1984. Thereafter, the Special Tahsildar, Natham, Natham, Nilavari Thittam issued "thoraya patta" to the



W.P.(MD)No.28083 of 2024

petitioner's grandfather. After demise of his grandfather, the legal heirs were in possession and enjoyment of the property. After the death of the petitioner's father, the other legal heirs continued to be in possession and enjoyment. While so, one Palanivelu, who had no interest sold the property to one Angusamy. The said Angusamy, in turn, sold the property, as the owner, to Murugesan and Manikandan. The said Manikandan is arrayed as the fourth respondent in this Writ Petition. Subsequently, the fourth respondent got patta in his favour. The petitioner approached the officials respondents and submitted his representation dated 09.11.2020 to cancel the patta issued in favour of the fourth respondent and to re-issue the patta in his favour. The second respondent sent a communication to the third respondent to take appropriate action on the petitioner's representation. Thereafter, after a lapse of almost one year on 22.01.2022, the third respondent sent a notice of enquiry and thereafter, no action was taken. The petitioner therefore filed the above Writ Petition for a mandamus directing the respondents 2 and 3 to cancel the patta issued in favour of the fourth respondent and to re-issue the patta in his favour.



W.P.(MD)No.28083 of 2024

WEB COPY

4. The learned Additional Government Pleader, on instructions, submitted that the third respondent has completed his enquiry and reasonable time may be given to the third respondent to submit a report to the second respondent and pursuant thereof reasonable time may be given to the second respondent to pass orders on merits.

5. In view of the submissions made by the learned Additional Government Pleader, the third respondent is directed to send his report to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the report, the second respondent shall pass orders on merits and in accordance with law within a period of six weeks thereafter.

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

26.11.2024

Index : Yes / No
NCC : Yes / No
CM



WEB COPY



W.P.(MD)No.28083 of 2024

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3.The Tahsildar,
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W.P.(MD)No.28083 of 2024

N.MALA, J.

CM

Order made in
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Dated:
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