



WP(MD)No.28828 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2024**

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.28828 of 2024

and

W.M.P(MD)No.24425 of 2024

S.Raja Sathasivam

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Nagercoil Zone,
Nagercoil,
Kanyakumari District.

2.The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.

3.The Village Administrative Officer,
Neendakarai West 'A' Village,
Kanyakumari District.

4.Pushpam

5.Sangumugam

6.Thirupathi

7.Nalamohan @ Mohan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus, directing the respondents 1 to 3 to take action and not to mutate the patta in S.No.7053 now new S.No. 165/4 in favour of the respondents 4 to 7 and correct the same in



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petitioner's name based on petitioner's representation dated 19.10.2024 in accordance with law.

For Petitioner : Mr.M.Jegadeesha Pandian
For R1 to R3 : Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents 1 to 3 not to mutate the patta in old S.No.7053 and new S.No.165/4 in favour of the respondents 4 to 7 and correct the same in petitioner's name based on the representation dated 19.10.2024 in accordance with law.

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

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The subject property in S.No.165/2 & 4 was purchased by the petitioner's father during the year 1974 when the petitioner was a minor under the registered sale deed, dated 29.03.1974. The subject property was assigned new S.No.165/2 and 4 and was sub-divided. The petitioner as per the sale deed had right over the property in S.No.165/2 and 4.



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When the petitioner approached the second respondent's office for mutating the patta in his name for levying tax for his lands he was shocked and surprised to know that one of the survey numbers stood in some other name. On further enquiry the petitioner came to know that even patta was transferred on the basis of the fraudulent document.

5. The petitioner came to know that on the basis of the fraudulent release deed, the respondents 4 to 7 were attempting to mutate the patta in their name. The petitioner applied for patta in his name and on coming to know that the respondents 4 to 7 were trying to mutate the patta in their name on the basis of the fraudulent release deed he submitted a detailed representation to the respondents on 19.10.2024. As the respondents did not take any action on the petitioner's representation, the petitioner filed the above writ petition for the aforesaid relief.

6. Though the writ petition is filed for a larger relief, the learned counsel appearing for the petitioner in the course of his argument, restricted his relief for a direction to the second respondent, to dispose of the petitioner's representation, dated 19.10.2024.



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7. Considering the submission made by the learned counsel for the petitioner, the second respondent is directed to consider the petitioner's representation, dated 19.10.2024 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

02.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Revenue Divisional Officer,
Nagercoil Zone,
Nagercoil,
Kanyakumari District.
- 2.The Tahsildar,
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- 3.The Village Administrative Officer,
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N.MALA,J.

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