



WP(MD). No.29805 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 11/12/2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

WP(MD). No.29805 of 2024

M.P.Irudhaya Arul Raj

... Petitioner

Vs.

1. The District Collector,
Virudhunagar Collectorate,
Kumaraswamy Nagar,
Virudhunagar,
Kooraikundu,
Virudhunagar - 626002..

2. The Revenue Divisional Officer,
Sivakasi Revenue Divisional Office,
Satchiyapuram, Sivakasi - 626124..

3. The Tahsildar,
Rajapalayam Taluk Office,
Ayyanarkoyil Road,
Avarampatti,
Rajapalayam -626117..

4. Minor,
S/o. (Late) Natarajan,

5. Arumugasamy

... Respondents



WP(MD). No.29805 of 2024

PRAYER:Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 07.08.2024 for cancellation of existing Patta and re-issuance of a fresh one, within a stipulated period of time.

For Petitioner : Mr.T.Thangamani,
For R1 to R3 : Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition is filed directing the respondents 1 to 3 to consider the petitioner's representation dated 07.08.2024 for cancellation of existing patta and re-issuance of a fresh one, within a stipulated period.

2.The land in S.No.367/4, to an extent of 11 ares and S.No. 381/4 to an extent of 27 ares, admeasuring totally 38 ares in Puthur Village, Rajapalayam Taluk, Virudhunagar District belonged to the petitioner's ancestors. Patta bearing No.1478 was issued in the name of the petitioner's father. The petitioner's father died intestate on 10.08.2003, and the property devolved on the petitioner and his brother as his legal heirs. After the demise of the



WP(MD). No.29805 of 2024

petitioner's father (late) Mariya Ponnusami, the petitioner and his brother were in peaceful possession and enjoyment of the properties. The petitioner, with a view to update the revenue records, approached the respondents and found that patta No. 1478, pertaining to the petitioner's lands was mistakenly updated in the name of the third party namely, late Natarajan, who is the ancestor of the respondents 4 and 5 herein. According to the petitioners, the respondents 4 and 5 were kind enough to extend their cooperation for cancellation of patta standing in their name in patta No.1478. The petitioner therefore submitted a representation on 25.02.2024, to the respondents 1 and 2, to cancel patta No.1478 standing in the name of late Natarajan and to issue the same in the names of the petitioner and his brother. Based on the petitioner's representation, the second respondent addressed a letter to the third respondent on 30.05.2022, directing him to conduct an enquiry and to issue patta. The third respondent summoned the petitioner for enquiry and the petitioner participated in the enquiry and produced the documents in respect



WP(MD). No.29805 of 2024

of his claim. Thereafter, there was no response. Therefore, the petitioner submitted a representation on 07.08.2024, to the first respondent. Though the said representation was received, no action was taken on the same. Hence, the petitioner filed the above writ petition for the aforesaid relief.

3. From a perusal of the typed set of papers, it is seen that as early as on 30.05.2022, the second respondent wrote to the third respondent to conduct an enquiry and to issue patta to the petitioner, if he was found eligible. The third respondent summoned the petitioner, the petitioner appeared before the third respondent and produced the relevant documents. In spite of it, no further action was taken. Considering the fact that the petitioner's representation for cancellation of patta in name of late Natarajan, and for issuance of fresh patta to him and his brother is kept pending for more than two years, I am inclined to issue direction to the third respondent to consider the petitioner's representation dated 20.05.2024. Accordingly, the third respondent is directed to



WP(MD). No.29805 of 2024

conduct an enquiry as per the direction of the second respondent in his letter dated 30.05.2024, and pass final orders on merits, in accordance with law and in consonance with Section 10 of the Patta Passbook Act within a period of twelve weeks, from the date of receipt of a copy of this order.

4. With the above directions, this Writ Petition is disposed of.

No costs.

11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Cm



WP(MD). No.29805 of 2024

WEB COPY
TO

1. The District Collector,
Virudhunagar Collectorate,
Kumaraswamy Nagar,
Virudhunagar, Kooraikundu,
Virudhunagar - 626002.
2. The Revenue Divisional Officer,
Sivakasi Revenue Divisional Office,
Satchiyapuram, Sivakasi - 626124..
3. The Tahsildar,
Rajapalayam Taluk Office,
Ayyanarkoyil Road,
Avarampatti,
Rajapalayam - 626117.



WEB COPY



WP(MD). No.29805 of 2024

N.MALA,J

CM

ORDER
IN
WP(MD) No.29805 of 2024

Date : 11/12/2024