



W.P.(MD).No.31272 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.01.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.31272 of 2023

A.Jeyaprabha

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Usilampatti,
Madurai District.

4.Pandi

5.Paraman

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 2nd respondent to conduct enquiry with regard to the cancellation of Patta Nos.3190 and 3191 obtained by the 4th and 5th respondents for the properties situated in S.No.185/1B1 and S.No.185/1B2 of P.Pudupatti, K.Kovilankulam Village, Usilampatti Taluk,



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Madurai District on the basis of the petitioner's representation dated 29.09.2023.

For Petitioner : Mr.C.Ilankaleeswaran
For R-1 to R-3 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition is filed seeking for a writ of Mandamus to direct the second respondent to conduct enquiry with regard to the cancellation of Patta Nos.3190 and 3191 obtained by the respondents 4 and 5 for the properties situated in S.No.185/1B1 and S.No.185/1B2 at P.Pudupatti, K.Kovilankulam Village, Usilampatti Taluk, Madurai District on the basis of the petitioner's representation dated 29.09.2023.

2. According to the petitioner, the property in Survey No.185/1B measuring an extent of 65 Cents in Kovilankulam Village, Usilampatti Taluk, Madurai District belonged to her mother-in-law, namely, Chittammal, who had executed a gift settlement deed in favour of the petitioner's husband, Amalraj. The petitioner's husband executed a gift deed in favour



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of the petitioner for the subject property to an extent of 32 Cents out of 65 Cents in Document No.677/2011 dated 30.03.2011 on the file of the Sub Registrar, Chekkanoorani, Madurai District. The petitioner claims that her husband, Amalraj, had also executed another settlement deed in respect of the remaining 33 Cents in favour of the petitioner as the guardian of minor son and daughter, Lokesh and Sivadarshini, in Document No.1691/2013 dated 06.09.2013 on the file of the Sub Registrar, Chekkanoorani, Madurai District.

3. The petitioner states that in order to meet out the family expenses, she mortgaged the said property in Survey No.185/1B, which belongs to her minor son and daughter, by executing a mortgage deed in favour of one Jeyarani, W/o.Mugesh, Keelavellamalaipatti Village, Usilampatti Taluk, Madurai District in Document No.1263/2022 dated 28.04.2022. When the petitioner verified with the encumbrance certificate, she came to know that the respondents 4 and 5 have registered a partition deed in Document No.155/2015 and fraudulently obtained patta in Patta Nos.3190 and 3191. The petitioner further states that Patta No.3193 in Survey No.185/1B4



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stands in her favour. Therefore, she sent a representation to the second respondent on 29.09.2023 seeking to cancel the patta in favour of the respondents 4 and 5. Since the said representation was not considered, the petitioner seeks the intervention of this Court to issue a writ of Mandamus to direct the second respondent to conduct an enquiry by considering her representation.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 submits that the petitioner's representation was received by the second respondent and by proceedings in O.Mu.No.4020/2023/A3 dated 31.10.2023, the second respondent has directed the third respondent to conduct an enquiry and send a report.

5. In view of the above submission, this Court directs the Revenue Divisional Officer/second respondent to consider the petitioner's representation dated 29.09.2023, by obtaining report from the Tahsildar/third respondent, proceed with the enquiry and pass appropriate orders on merits and in accordance with law, after affording an opportunity



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to all the parties, within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

02.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The District Collector,
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Madurai.
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- 3.The Tahsildar,
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