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W.P.No.2423 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2423 of 2025

C.A.Gunasekar

... Petitioner

Vs

- 1.The District Collector
Collectorate Buildings
Krishnagiri District.
- 2.The Revenue Divisional Officer
RDO Office, Collectorate Buildings
Krishnagiri District.
- 3.The Thasildar
Taluk Office
Krishnagiri Town and District.
- 4.Kannaiyan

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to consider and take necessary action based on petitioner's representation dated 28.06.2024 requesting to cancel patta inadvertently issued in favour of the fourth respondent relating to the subject property owned by the petitioner comprised in Survey No.17/2, situate at Saparthi Village & Post, Krishnagiri



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Taluk and District bearing Old Patta No.43, 32 and 28 admeasuring an extent of 38 cents, within the time framed to be fixed by this Court.

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For Petitioner : Mr.D.Thirumoorthy
For Respondent : Mr.M.R.Gokul Krishnan
Additional Government Pleader
[R1 to R3]

ORDER

The writ petition has been filed seeking a mandamus to the third respondent to consider the petitioner's representation dated 28.06.2024 requesting to cancel patta that was issued in favour of the fourth respondent relating to the subject property situated in Survey No.17/2 at Saparthi Village & Post, Krishnagiri Taluk and District.

2. The case of the petitioner is that he and the legal heirs of his deceased brother Arunagiri are the absolute owners of the subject property admeasuring an extent of 38 cents situated in Survey No.17/2, Saparthi Village & Post, Krishnagiri Taluk and District, bearing Old Patta Nos.43, 32 and 28, which came to their acquisition in a family partition that was held among his siblings. Recently, when the petitioner had approached the Bank to avail agricultural loan, it came to light that patta for the subject property



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stands in the name of the fourth respondent. According to the petitioner, the fourth respondent has no say in patta being transferred to his name and he has no objection to cancel the patta that was inadvertently issued in his name. Therefore, the petitioner approached the third respondent on several occasions and gave a representation finally on 28.06.2024 to cancel the patta that stands in the name of the fourth respondent and to issue a joint patta including his name and the legal heirs of his deceased brother Arunagiri. Since no action was taken by the third respondent, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents 1 to 3.

4. Considering the limited request made by the petitioner and the fact that the third respondent herein had neither bothered to reply to the petitioner's representation nor had taken action, a mandamus is issued to the third respondent to consider the representation of the petitioner dated 28.06.2024. The third respondent shall also take note of the fact that the fourth respondent in whose name the patta now stands, has no objection to the patta being transferred to the petitioner. The petitioner and his co-owners



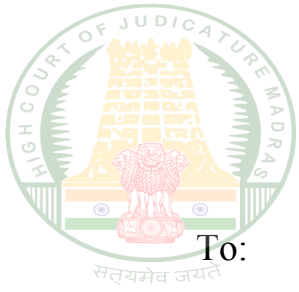
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shall submit all the relevant records to show their title to the subject property and the third respondent shall hold an enquiry after issuing notice to the petitioner, his co-owners and the fourth respondent herein, and thereafter, proceed to pass orders. In case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is allowed. No costs.

31.01.2025

Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No
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P.T. ASHA. J.,

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