



Writ Petition No.39933 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.39933 of 2024

&

W.M.P.No.4406 of 2025

- 1.K.Subramanian
S/o.G.Kodi Pillai (Late)
2. K.Shanmugam
S/o.G.Kodi Pillai (Late)
3. K.Ravi
S/o.G.Kodi Pillai (Late)
4. M.G.Venkatesan
S/o.G.Kodi Pillai (Late)
5. R.Kodi Ammal
W/o.Raman

... Petitioners

Vs.

1. The District Collector,
Villupuram, Villupuram District.
2. The Sub-Collector,
Tindivanam, Villupuram District,
3. The Tahsildar,
Tindivanam, Villupuram District.



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4. The Sub-Registrar Joint-I,
Sandaimedu, Tindivanam,
Villupuram District.

5. P.Seenivasan
S/o.R.Perumal Pillai (late)

6. P.Raman
S/o.Perumal Pillai (late)

7. Tmt.V.Rukmani
W/o.P.Venkatesan (Late)

8. V.Sathish Kumar
S/o.P.Venkatesan (Late)

9.V.Vignesh
S/o.P.Venkatesan (Late)

10. V.Prasad
S/o.P.Venkatesan (Late)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus to direct the 2nd and 3rd respondents herein to cancel the patta, the patta bearing No.488 granted on wrong footing in favour of 7th respondent herein on the strength of the alleged partition deed and to restore it to its original position.

For Petitioner : Mr.M.Arumugam

For Respondents : Mr.A.Selvendran
Special Government Pleader
[R1 to R4]



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ORDER

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This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents 2 and 3 to cancel the patta that stands in the name of the seventh respondent and to restore the revenue records to its original position within the time frame fixed by this Court.

2. Heard Mr.M.Arumugam, learned counsel for petitioners and Mr.A.Selvendran, learned Special Government Pleader appearing for respondents 1 to 4.

3. The case of the petitioners is that originally there was a joint patta in the name of the petitioners' father and the maternal grand father. By virtue of a partition deed, the seventh respondent managed to get patta in his name with respect to the subject property. The petitioners issued legal notice in this regard and approached this Court seeking for a direction to respondents 2 and 3 to cancel the patta that stands in the name of the seventh respondent.

4. In the considered view of this Court if the petitioners want to cancel the patta standing in the name of the seventh respondent, the same



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cannot be done by issuing a legal notice. The proper procedure would be for the petitioners to make a fresh application/representation before the second respondent by furnishing all the particulars along with the relevant documents. On receipt of the same, the second respondent will issue notice to all the other interested parties and will conduct an enquiry and deal with the claim made by the petitioners.

5. In view of the above, there shall be a direction to the petitioners to submit a fresh application to the second respondent seeking to cancel the patta standing in the name of the seventh respondent. On receipt of the same, the second respondent shall issue notice to the interested parties and final orders shall be passed within a period of eight (8) weeks from the date of receipt of the fresh application submitted by the petitioners.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

12.02.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm



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To

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N.ANAND VENKATESH, J

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