



W.P.(MD) No.6221 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.07.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.6221 of 2023

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... Petitioner

Vs

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Revenue Divisional Officer,
Kovilpatti Division,
Thoothukudi District.

3. The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

4. Subbaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to cancel the patta having Survey 308/20 situated at Arunthathiyar Street, Pasuvanthanai Village, Ottapidaram Taluk, Thoothukudi District which has been issued illegally to the 4th respondent and take appropriate action against them based upon the petition dated 02.01.2023 which has been pending before the 2nd respondent and dispose of the same within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.M.Pandian
For Respondents : Mr.D.S.Nedunchezian,
Govt. Advocate for R1 to R3
Mr.S.Malaikani for R4

ORDER

The petitioner herein seeks a direction to the respondents 1 and 2 to cancel the patta issued in favour of the 4th respondent in respect of the property situate in S.No.308/20 in Pasuvanthanai Village, Ottapidaram Taluk, Thoothukudi District, by considering his representation dated 02.01.2023.

2. Heard the arguments of Mr.M.Pandian, learned counsel for the petitioner, Mr.D.S.Nedunchezian, learned Government Advocate appearing for the respondents 1 to 3 and Mr.S.Malaikani, learned counsel appearing for the fourth respondent.

3. It is the case of the petitioner that the revenue records for the subject property originally stood in the name of petitioner's grandfather Manthiram and he executed a document conveying the same to the



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petitioner. However, assignment patta has been granted in favour of 4th respondent by the Government and challenging the same, the petitioner preferred an application before the third respondent seeking cancellation of patta issued in favour of 4th respondent. The said application was negatived by the third respondent, by his order dated 19.12.2022. Aggrieved by the same, the petitioner submitted instant representation dated 02.01.2023, before the second respondent. The same has not been considered. Hence, the petitioner has come before this Court.

4. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the petitioner has not produced any document to substantiate his right over the property. However, the 4th respondent produced the assignment deed in his favour. Therefore, the third respondent rejected the request of the petitioner.

5. Now aggrieved by the order passed by the third respondent, the petitioner submitted a representation before the second respondent on 02.01.2023. The same shall be taken as an appeal by the petitioner challenging the order passed by the second respondent dated 19.12.2022. Since the representation of the petitioner was filed well within the



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limitation for filing an appeal, this Court directs the second respondent to treat the representation of the petitioner dated 02.01.2023 as an appeal challenging the order passed by the third respondent dated 19.12.2022. The said appeal shall be heard and disposed of in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording reasonable opportunity to the petitioner and the 4th respondent.

6. With the above direction, this Writ Petition stands disposed of.

There shall be no order as to costs.

10.07.2025

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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S.SOUNTHAR, J.

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