



W.P.(MD)No.25061 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.25061 of 2022

P.Rajagiri

... Petitioner

Vs

1. The District Collector,
O/o.The Collector, Sivagangai District.

2. The Tahsildar,
Sivagangai Taluk Office,Sivagangai,
Sivagangai District.

3.S.Chandra Mohan

4. Parvathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to direct the 2nd respondent to cancel the Patta nos. 2061 and 2368 in Survey no. 357/2 in favour of the 3rd and 4th respondent and consequently direct the 2nd respondent to issue patta by include the petitioner name in view of the earlier joint patta no. 1430 in Survey no.



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357/2, at Pageneri Village, Sivagangai District by considering the petitioner's representation dated 09.11.2019.

For Petitioner : Mr.S.Atham Ali

For Respondents : Mr.C.Satheesh (R1,R2)
Government Advocate

ORDER

The writ petition has been filed seeking a direction to the first respondent, in turn, direct the 2nd respondent to cancel patta Nos. 2061 and 2368 in Survey No. 357/2 issued in favour of the respondents 3 and 4 and consequently, direct the 3rd respondent to issue patta including the petitioner's name in the joint patta in respect of S.No.357/2 situated at Pageneri Village, Sivagangai District.

2.I have heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.Though this Court ordered notice to the respondents 3 and 4 by order, dated 04.11.2022, the 3rd respondent, has also been served and notice sent to the 4th respondent has returned with an endorsement that the 4th respondent is no more.



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4.However, considering the narrow scope of the writ petition itself, it would be suffice to direct the 2nd respondent to pass orders on the petitioner's application for cancellation of patta and for consequently including the petitioner's name in the joint patta. It is needless to state that the said exercise shall be carried out by the 2nd respondent after issuing notice to the 3rd respondent and legal heirs of the 4th respondent, in the event of the 4th respondent being no more, as indicated in the service of notice in the present writ petition. The learned counsel for the petitioner also undertakes to furnish the particulars of the legal heirs of 4th respondent, if warranted to the 2nd respondent, to enable the Tahsildar to issue notice of enquiry on the petitioner's representation, dated 09.11.2019.

5.In view of the above, this writ petition is allowed in the following terms:

- 1. The petitioner shall furnish the details of the legal heirs of the deceased 4th respondent to the 2nd respondent within a period of four weeks from the date of receipt of copy of this order.*



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2. *The 2nd respondent shall issue notice to the petitioner, 3rd respondent and the 4th respondent's legal heirs within a period of two weeks, thereafter fixing a date for enquiry in the petitioner's application seeking for cancellation of patta and consequently, include the petitioner's name in the joint patta*
3. *After hearing the parties, the 2nd respondent shall pass orders on own merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.*
4. No costs

13.02.2025

Index : Yes / No
NCC : Yes / No
PNM

TO:-

1. The District Collector,
O/o.The Collector, Sivagangai District.

2. The Tahsildar,
Sivagangai Taluk Office,Sivagangai,
Sivagangai District.



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P.B. BALAJI, J.

PNM

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