

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.03.2015

Coram

The Hon'ble Mr. Justice T.S. SIVAGNANAM

W.P. No.20194 of 2014

S.Velayutham

.. Petitioner

Vs

1.The District Collector,
Kanchipuram District.

2.The Revenue Divisional Officer
Tambaram Division,
Kanchipuram District.

3.The Thasildar,
Shozhanganallur Taluk,
Kanchipuram District.

4.Tmt.Malathy

.. Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records in respect of the impugned order of the second respondent 23.04.2013 in Na.Ka.No.2297/2012/m and quash the same and consequential direct the second respondent to issue fresh order to clear the encroachment of road and pass such further order.

For Petitioner .. Mr.R.Ganesh

For Respondents .. Mr.R.Vijayakumar
Addl. Government Pleader for RR1-3

Mr.A.S.Mujibur Rahman for R4

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.R.Ganesh, learned Counsel appearing for the petitioner, Mr.R.Vijayakumar, learned counsel appearing for the respondents 1 to 3 and Mr.A.S.Mujibur Rahman, learned counsel appearing for the fourth respondent.

3.The petitioner seeks for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the second respondent dated 23.04.2013 and consequential direction to the second respondent to issue fresh order to clear the encroachment of road.

4. According to the petitioner, the land in question in which patta has been granted for the fourth respondent is a road and the petitioner has never asked for patta in his name, but he wanted to cancel the patta issued in favour of the fourth respondent and remove the wall and clear the encroachment and form the road. The grievance of the petitioner is not with respect of the entire impugned order, but only with regard to that portion of the order where the second respondent has stated that the petitioner sought for patta in his name.

5. The learned counsel appearing for the petitioner submitted that the second respondent on an erroneous assumption has made such an observation when the petitioner's claim was to clear the encroachment made by the fourth respondent by cancelling the patta granted in her favour.

6. After hearing the learned counsels appearing for the parties and perusing the materials placed on record, it is seen that the fourth respondent aggrieved by the impugned order dated 23.04.2013, has preferred a revision before the District Revenue Officer, Kancheepuram, under Section 13 of the Patta Passbook Act and the same has been sent by speed post on 17.05.2013 and the revision is now pending before the District Revenue Officer. In the said revision, the Writ Petitioner is the first respondent and District Revenue Officer is the second respondent. Hence at this juncture, if any Writ of mandamus as sought for is issued, it would have a bearing on the pending proceedings and therefore, this Court is of the view that the Revisional Authority should be directed to dispose of the revision petition at an early date after affording an opportunity of personal hearing to the petitioner as well as the fourth respondent and perusing the entire documents.

7. In the light of the above, leaving open the contentions raised by the petitioner, there will be a direction to the District Revenue Officer, Kancheepuram to hear and dispose of the revision petition preferred by the fourth respondent as against the order dated 23.04.2013, and after affording an opportunity of personal hearing to the petitioner and the fourth respondent and pass orders on merits in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pbn

To

1.The District Collector,
Kanchipuram District.

2.The Revenue Divisional Officer
Tambaram Division,
Kanchipuram District.

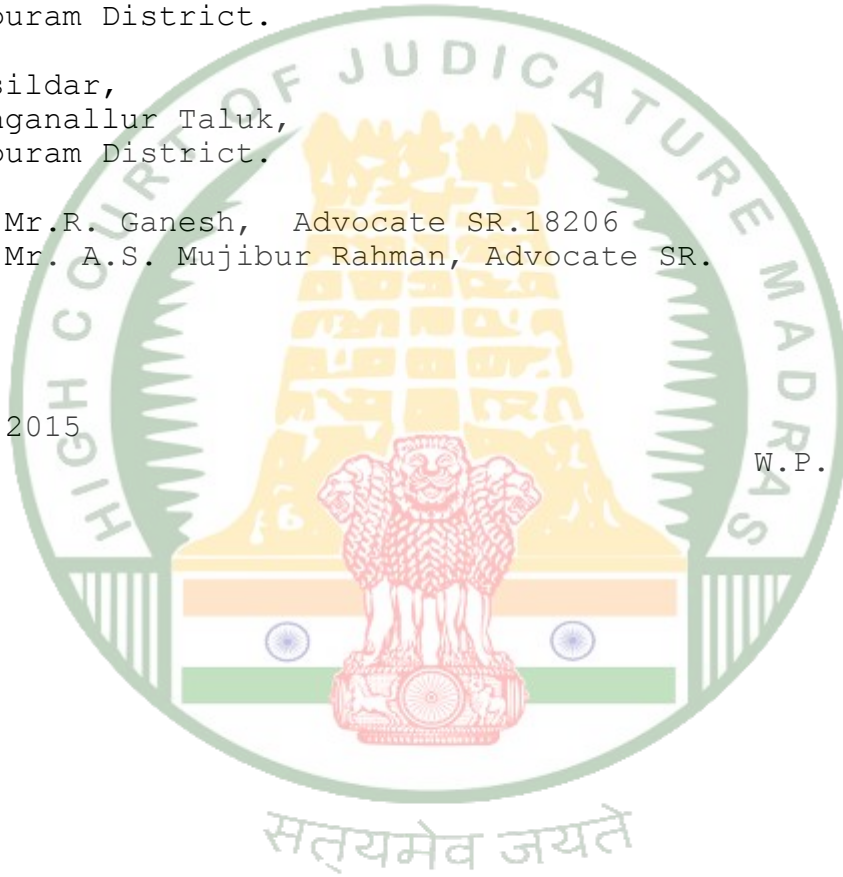
3.The Thasildar,
Shozhanganallur Taluk,
Kanchipuram District.

+ 1 cc to Mr.R. Ganesh, Advocate SR.18206

+ 1 cc to Mr. A.S. Mujibur Rahman, Advocate SR.

SSI (CO)
EU 20.04.2015

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