

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.29580 of 2014

T.Benny Rajan
S/o.Namasivayam

...Petitioner

vs.

1. The Tahsildar,
Alandur,
Tambaram Taluk,
Chennai - 600 016.

2. Pramila Edward
W/o.Edward
(R2 impleaded as per order dated
09.12.2014 in M.P.No.1 of 2014
in W.P.No29580 of 2014)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the representations of the petitioner dated 13.03.2014, 13.06.2014, 09.07.2014, 13.08.2014 and 25.09.2014 and issue patta in respect of the land bearing Door No.33 comprised in Old Survey No.56/6, Block No.43, to an extent of 0.0777 sq.mtr (8363 sq.feet) Zamin Pallavaram by cancelling the patta granted in the name of Pramila Edward.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.R.Vijaya Kumar
Additional Government Pleader [R1]
Mr.J.Sudhakaran [R2]

O R D E R

Heard Mr.V.Kannan, learned counsel for petitioner, Mr.R.Vijaya Kumar, learned Government Advocate for first respondent and Mr.J.Sudhakaran, learned counsel for second respondent and perused the materials placed on record.

2. According to the petitioner, originally the patta in respect of the property in question stood in his father's name. Subsequently, patta appears to have changed in the name of the second respondent, who is the sister of the writ petitioner. Her sister claims right over the property based on the settlement deed executed by the petitioner's mother. According to the petitioner, his mother has no right over the property. After the life time of his father, he and his two brothers are the absolute owners. Therefore, the petitioner submitted number of representations before the first respondent to cancel the patta granted in favour of the second respondent and to issue a fresh joint patta in the name of the petitioner and his two brothers. Till date, no orders have been passed on the petitioner's representation. Hence, the present writ petition has been filed.

3. In any event, patta standing in the name of the petitioner was cancelled by the first respondent without issuing notice to the petitioner. Therefore, to that extent the action of the first respondent is not tenable. Accordingly, the first respondent is directed to consider the petitioner's representations, conduct an enquiry after issuing notice to the petitioner, second respondent and two brothers of the writ petitioner and after hearing the parties, shall pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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gm

To

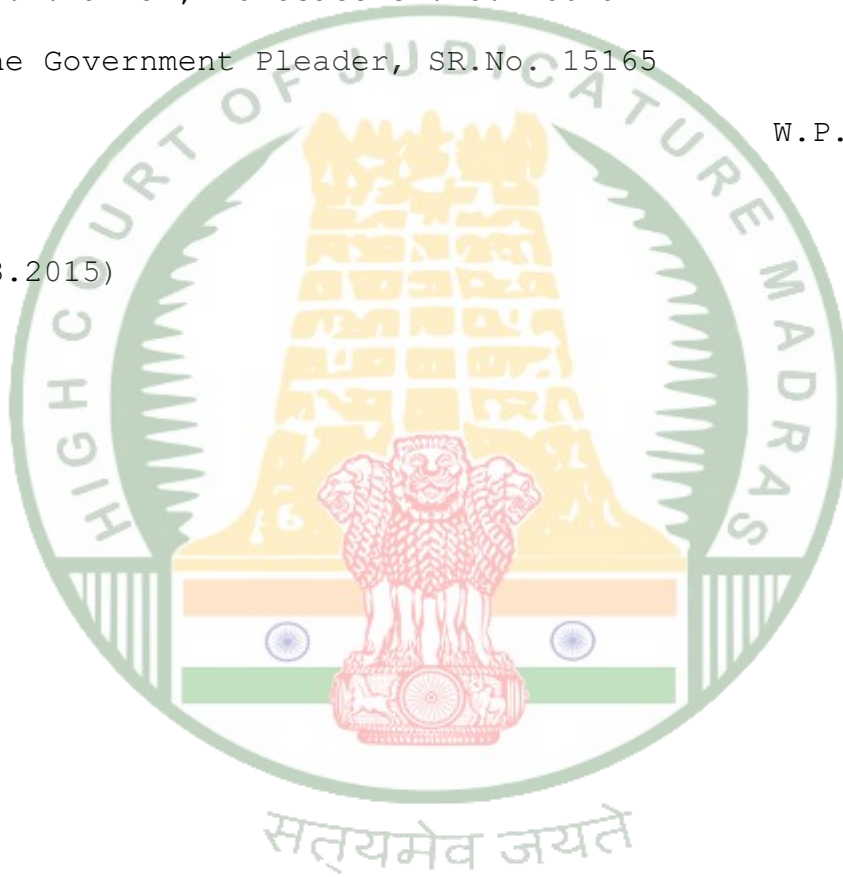
The Tahsildar,
Alandur,
Tambaram Taluk,
Chennai - 600 016.

1 CC to Mr.V.Kannan, Advocate SR.No. 15079

1 CC to the Government Pleader, SR.No. 15165

W.P.No.29580 of 2014

SAI (CO)
PSI (27.03.2015)



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