

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9294 of 2015 and M.P.No.1 of 2015

M.S.Dananjayan

... Petitioner

vs.

1. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai - 600 053

2. The Revenue Inspector,
Morai Village,
Veerapuram Village & Post,
Avadi, Chennai - 600 055

3. C.R.Ranganathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 02.09.2013 and pass an appropriate order for necessary changes in patta with respect to land comprised in S.No.259/7 over an extent of 84 cents in Morai Village, Ambattur Taluk, Thiruvallur District within the time prescribed by this Court.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.S.Gunasekaran for R1 and R2
Government Advocate

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O R D E R

Heard Mr.M.Muthappan, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for 1st and 2nd respondents and perused the materials placed

on record. With the consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition praying for a issuance of Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 02.09.2013 and pass appropriate orders for necessary changes in patta with respect to land comprised in S.No.259/7 over an extent of 84 cents in Morai Village, Ambattur Taluk, Thiruvallur District.

3. According to the petitioner, the patta in respect of the property initially stood in the name of the petitioner's father and subsequently due to a mistake committed, the patta was issued in favour of the 3rd respondent. The petitioner requested the Tahsildar/1st respondent to rectify the mistake and include the land comprised in Survey No.259/2007 in patta no.62, which was granted in favour of the petitioner's father and since the petitioner's father Mr.Srinivasalu Naidu is no more, the petitioner requested that the patta may be transferred in the name of legal heirs of Srinivasalu Naidu. The petitioner would further state that the land has been wrongly included in the holding of 3rd respondent and patta has been granted in favour of the 3rd respondent.

3. The petitioner would also state that the 1st respondent entertained the petitioner's objection, directed the 2nd respondent to conduct enquiry and submit report as per the proceedings in File No.7658/2013 dated 08.05.2014. It is stated that till date, the 2nd respondent has not issued any notice for such enquiry.

4. In the light of the above facts, the petitioner seeks for a direction to conclude enquiry by calling the writ petitioner and rectify the mistake committed in the patta.

5. Since the writ petition is disposed of without notice to the 3rd respondent, the merits of the allegation made by the petitioner as against the 3rd respondent are not gone into. As it is stated that the 1st respondent has already taken the application on file, ordered for enquiry in proceedings dated 08.05.2014, there will be a direction to the 1st respondent to consider the petitioner's representation after issuing notice to the petitioner and the 3rd respondent and all others, who are likely to be aggrieved, conduct enquiry and pass reasoned orders on merits and in accordance with law within a period of three months from the date of receipt of copy of this order.

With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai - 600 053

2. The Revenue Inspector,
Morai Village,
Veerapuram Village & Post,
Avadi, Chennai - 600 055

+1cc to the Government Pleader, S.R.No.

W.P.No.9294 of 2015
and
M.P.No.1 of 2015

RK(CO)
CA(09/04/2015)

सत्यमेव जयते

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