

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7796 of 2014

&

M.P.No.1 of 2014

A.Pushparaj

... Petitioner

Vs.

1. The Collector,
Kancheepuram,
Kancheepuram District.

2. The Tahsildar,
Sriperumbudur Taluk Office,
Sriperumbudur,
Kancheepuram District.

3. Mrs. Karpagavalli

4. Mr.B.Charles.

... Respondents

PRAYER : 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 dispose of the petitioner's representation dated 3.1.2014 in respect of the cancellation of patta which is granted in favour of the third respondent in respect of the petitioner's property to an extent of 4 cents comprised in Survey No.535/2, Kundrathur Village, Sriperumbudur Taluk, Poonamallee Sub District, Registration District.

For Petitioner : Mr.R.Karunagaran

For Respondents : Mr. P.Sanjay Gandhi (R1 & R2)
Addl. Govt. Pleader

O R D E R

The petitioner has come forward with this Writ Petition for issuance of Mandamus upon the first respondent to dispose of the petitioner's representation dated 3.1.2014 in respect of the cancellation of patta which is granted in favour of the third

respondent in respect of the petitioner's property measuring an extent of 4 cents comprised in Survey No.535/2, Kundrathur Village, Sriperumbudur Taluk, Poonamallee Sub District, Registration District.

2. Heard Mr. Karunagaran, learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader, appearing for the respondents 1 and 2.

3. The petitioner purchased 4 cents out of 97 cents comprised in Survey No.535/2, Plot No.52, situate at No.85, Kundrathur Village, Sriperumbudur Taluk, Poonamallee Sub District, Chengalpattu on 29.11.1982 by a registered Sale Deed from one Babu Reddiar and his son Mr.B.Ramardoss and since then, he has been in possession and enjoyment of the above said property till date. Whiles, when he applied for patta before the 2nd respondent on 12.3.2013 for the above said property, the 2nd respondent had called for the petitioner for enquiry on 30.9.2013, but no enquiry has been conducted on the said day.

4. Thereafter, when the petitioner applied for measuring the property on 25.9.2013, the Surveyor asked him to produce the patta and he further revealed that for the petitioner's property, the patta has been granted to the 3rd respondent illegally behind his back. On verification, the petitioner came to know that after the purchase of the above said property by the petitioner, one Karaimohammed Ismail Sheriff had purchased the larger extent of 97 cents comprised in Survey No.532/2 from the petitioner's vendor viz., Babu Reddiar and his son through a Power of Attorney namely P.Charles, the 4th respondent herein by a General Power of Attorney dated 17.12.1982. The said Power of Attorney, the 4th respondent herein who sold the property in favour of said Karaimohammed Ismail Sheriff. In fact the said Charles had signed as a witness in the sale deed executed in favour of petitioner. The 3rd respondent herein, in collusion with Karaimohammed Ismail Sheriff purchased second time the property of the petitioner on 10.09.2003 and the same is not binding on the petitioner in respect of Plot No.52 i.e, 4 cents. Therefore he made a representation to the 2nd respondent viz., the Tahsildar, Sriperumbudur Taluk Office, Kancheepuram District on 27.9.2013 for cancellation of patta which was given to the 3rd respondent wrongly without considering the documents. In spite of the petitioner's representation to the 2nd respondent, he has not cancelled the patta which was issued to the 3rd respondent. The petitioner is ready for enquiry and he is willing to produce all the necessary documents before the 2nd respondent. The petitioner, again made a representation before the 2nd respondent on 3.1.2014 in respect of cancellation of patta granted in favour of 3rd respondent in respect of petitioner's property and to issue patta in favour of him. But the 2nd respondent has not considered the same and the same has been kept pending without

any action till date. Hence the petitioner has filed this present Writ Petition.

5. Though very many contentions have been raised by the petitioner in this Writ Petition, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent to consider the representation of the petitioner and conduct enquiry by affording an opportunity of personal hearing to the petitioner as well as to the 3rd and 4th respondents after issuing notice to them and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order;

6. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner. It is for the 2nd respondent to decide the matter purely on merits in respect of the claim made by the petitioner.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

msr

To

1. The Collector,
Kancheepuram,
Kancheepuram District.

2. The Tahsildar,
Sriperumbudur Taluk Office,
Sriperumbudur,
Kancheepuram District.

1 cc to Government Pleader, Sr. 9636

1 cc to Mr.R. Karunakaran, Advocate, Sr. 9578

W.P.No.7796 of 2014

RSY (CO)
kk 9/3