

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13931 of 2016

K.Chandrasekaran

... Petitioner

vs.

1.The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Sriperumbudur,
Kancheepuram District-608 105. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to dispose of the petitioner's representation dated 9.9.2015 within a period of short time.

For Petitioner : Mr.K.Sathishkumar
For Respondents : Mrs.M.E.Rani Selvam,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to dispose of his representation dated 9.9.2015 within a stipulated time.

3. It is the case of the petitioner that his father T.G.Kanniyappan was the absolute owner of the property measuring to an extent of 1.15 acres comprised in Survey No.486/4 situated at Pazhanthandalam Village, Sriperumbudur Taluk . The respondents had already issued patta in favour of his father in respect of the said land through Patta No.120. Thereafter, the petitioner along with his father executed a sale deed in favour of one Janagaraj in respect of a portion of the land measuring to an extent of 58 cents out of 1.15 acres by way of document No.43 book No.1 of 1989. The remaining 57 cents of land was retained by the petitioner and after the death of his father, he is in possession and enjoyment of the same. While so, the

petitioner came to know that the said Janagaraj obtained patta in his name for the entire property, though he is the owner of the land only to an extent of 58 cents. Immediately, the petitioner sent a representation dated 9.9.2015 to the first respondent along with necessary documents seeking to cancel the patta issued in favour of the said Janagaraj, who in turn, forwarded the same to the second respondent, who is the competent authority to cancel the patta. But, till date, the second respondent has not taken any action on the said representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 9.9.2015 seeking to cancel the patta issued in favour of the said Janagaraj and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the said Janagaraj and other necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

2. The Tahsildar,
Sriperumbudur,
Kancheepuram District-608 105.

+1 CC to Mr.K.Sathish kumar, Advocate SR NO 23579[23.6.16]

sai(co)

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