

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14178 of 2016

S.Parthasarathy

... Petitioner

vs.

1.The Revenue Divisional Officer,
Kancheepuram.

2.The Tahsildar,
Sriperumpudur Taluk,
Kancheepuram District.

3.Ravanan

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the first respondent to consider and pass orders on the petitioner's appeal petition dated 15.07.2013 and his reminder petition dated 20.11.2015 and cancel the pattas issued in favour of various third parties by making sub division in Survey No.245/1 as 245/1A, 245/1B and 245/1A1 within the time fixed by this Court.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.S.V.Durai Solaimalai,
Addl. Govt. Pleader for R1 & R2

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider and pass orders on his appeal petition dated 15.07.2013 and his reminder petition dated 20.11.2015 and cancel the pattas issued in favour of various third parties by making sub division in Survey No.245/1 as 245/1A, 245/1B and 245/1A1.

2. The case of the petitioner is that his ancestors were in possession and enjoyment of the property measuring to an extent of 33 cents, comprised in Survey No.245/1 in Vadakal Village, Sriperumpudur Taluk and the petitioner is now in possession and enjoyment of the said property. While so, some real estate brokers have sold plots adjacent to the petitioner's

property. On verification, it came to light that the third respondent, by creating bogus records, changed the patta of the petitioner's property, sub-divided Survey No.245/1 as 245/1A, 245/1B and 245/1A1 and sold the same to various third parties. Hence, the petitioner made a representation to the second respondent to cancel the pattas granted to various third parties in respect of his property. Since no action has been taken by the second respondent, he made a representation dated 06.03.2013 to the District Collector, Kancheepuram and a representation dated 15.07.2013 to the Revenue Divisional Officer, Kancheepuram. As there was no response, the petitioner made a fresh representation to the Tahsildar, Sriperumpudur, who in turn, sent a communication dated 24.01.2014 to the Revenue Divisional Officer, Kancheepuram regarding the pendency of the petitioner's representation. The Revenue Divisional Officer, Kancheepuram, by letter dated 12.09.2014, requested the Tahsildar to send a report with regard to the request of the petitioner. Thereafter, the third respondent was directed to appear for enquiry on 05.03.2015, but he did not appear for enquiry. Hence, there was no progress, which compelled the petitioner to make another representation dated 20.11.2015 to the first respondent requesting to cancel the pattas issued in favour of the third parties. However, till date, no order has been passed by the first respondent. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents 1 and 2.

4. Considering the limited nature of the relief sought for in this writ petition, this Court directs the first respondent to consider the representation of the petitioner dated 20.11.2015, by affording an opportunity of personal hearing to the petitioner as well as to the third respondent and pass appropriate orders with regard to cancel the pattas granted in favour of third parties in respect of the property in S.No.245/1 of Vadakal Village. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.
rk

s/d-
Assistant Registrar(CS-II)
True Copy
Sub-Assistant Registrar

To

1.The Revenue Divisional Officer,
Kancheepuram.

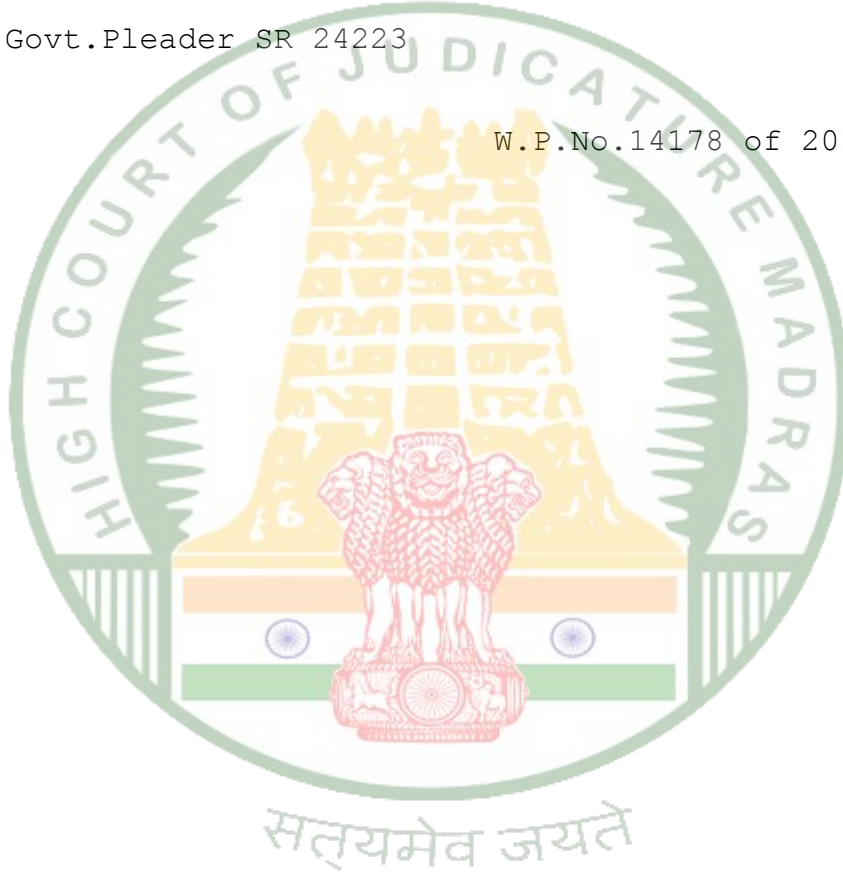
2.The Tahsildar,
Sriperumpudur Taluk,
Kancheepuram District.

+ 1 cc to Mr.M.Muthappan, Advocate SR 24423

+ 1 cc to Govt.Pleader SR 24223

sr(co)
prk9/6

W.P.No.14178 of 2016



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