

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.15978 of 2016

Annakili

... Petitioner

Vs.

1 The District Collector,  
Kancheepuram District,  
Kancheepuram.

2 The Tahsildar  
Madurantakam Taluk,  
Madurantakam,  
Kancheepuram District.

3 Mr.Ranganathan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to conduct an enquiry and pass appropriate orders on the representation of the petitioner dated 28.01.2016 submitted with regard to cancellation of patta in respect property in S.No.24/3 an extent of 52 cents, in S.No.24/1 an extent of 11 cents, in S.No.24/8 an extent of 7 cents and in S.No.24/9, an extent of 24 cents totally admeasuring acre 0.94 cents situated at Kottakayapakkam Village, Madurantagam Taluk, Kancheepuram District.

For Petitioner  
For Respondents

: Mr.A.Ramalingam  
: Mrs.P.Rajalakshmi  
Government Advocate

O R D E R

The present writ petition has been filed seeking a Mandamus directing the second respondent herein to conduct an enquiry and pass appropriate orders on the representation of the petitioner dated 28.01.2016 submitted with regard to cancellation of patta in respect of the property in S.No.24/3 an extent of 52 cents, in S.No.24/1 an extent of 11 cents, in S.No.24/8 an extent of 7

cents and in S.No.24/9, an extent of 24 cents totally admeasuring acre 0.94 cents situated at Kottakayapakkam Village, Madurantagam Taluk, Kancheepuram District.

2.In the petition it is stated that the petitioner is the absolute and exclusive owner of the properties situated at Kottakayapakkam Village, Madurantagam Taluk, Kancheepuram District comprised in Ayan Punja S.No.24/3 an extent of 52 cents, in S.No.24/1 an extent of 11 cents, in S.No.24/8 an extent of 7 cents and in S.No.24/9, an extent of 24 cents totally admeasuring acre 0.94 cents and the said properties originally belonged to the petitioner's grandfather namely, Ponnan and after his demise, the petitioner's father along with his brothers enjoyed the property as joint owners.

3.It is further stated that whileso, in the year 1956, the legal heirs of the said Ponnan decided to partition the entire properties among themselves and accordingly, on 22.01.1956, the entire properties were divided into four parts by way of executing koorchit in which 'D' Schedule property was allotted to Narayanan, the father of the petitioner and after his death, the petitioner and his mother were in peaceful possession and enjoyment of the properties as they were the only legal heirs and after the demise of the petitioner's mother, the petitioner is in possession and enjoyment of the property and he is also paying tax to the concerned authorities.

4.It is further stated that the petitioner after marriage settled at Chennai and hence, it was very difficult for him to cultivate his property properly and hence, one Ranganathan who is the cousin brother of the petitioner approached him to take the property for cultivation and also undertook to pay the necessary charges to the petitioner, but taking advantage of the situation, the said Ranganathan created fabricated document and transferred the ownership over his property by creating a false release deed dated 19.01.2011 and also obtained patta no.140 in his name illegally from the office of the second respondent.

5.It is further stated that the petitioner in this regard, made a representation to the second respondent requesting him to cancel the patta no.140 and to issue patta in his name and also sent a copy of the said representation to the first respondent. Further, the petitioner has also filed O.S.No.28/2016 on the file of the District Munsif Court, Madurantakam. The first respondent after receipt of the representation has directed the second respondent to consider the same, but no action has been taken by the second respondent. Hence, the petitioner has come forward with this petition.

6.Heard the submissions of the learned counsel appearing for the petitioner and the learned Government Advocate.

7.Considering the submissions made on either side and without going into the merits of the claim made by the petitioner, this Court directs the second respondent to consider the representation of the petitioner dated 28.01.2016, on merits and in accordance with law and pass appropriate orders, after affording opportunity of personal hearing to the petitioner as well as the third respondent, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner.

8.The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The District Collector,  
Kancheepuram District,  
Kancheepuram.
- 2 The Tahsildar  
Madurantakam Taluk,  
Madurantakam,  
Kancheepuram District.

+1 cc to the Government Pleader sr.26848  
+1 cc to Mr.A.Ramalingam Advocate sr.26500

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aa11/05/2016

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