

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.16639 of 2016

N.Muthukrishnan

... Petitioner

Vs.

1. The District Revenue Officer,
Kancheepuram District.

2. The Tahsildar,
Thirukhahikundram Taluk,
Kancheepuram District.

3. Venkataraman

4. Seshala Raja

5. Padmavathy

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st respondent to consider and pass orders on the petitioner's representation dated 01.09.2015 with regard to cancellation of patta, within a stipulated time as fixed by this Court.

For Petitioner : Mr.D.Nandagopal

For Respondents : Mr.M.Dig Vijay Pandian,
1 and 2 Additional Government Pleader

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O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the petitioner's representation, dated 01.09.2015, with regard to cancellation of patta, within a stipulated time.

2. The case of the petitioner is that the lands in Survey Nos.124/12 and 121/2 to the extent of 1.41 cents at Ayyampakkam

Village, Kancheepuram District, were originally owned and enjoyed by one Kondasamy Raja, who is the great grand father of the petitioner. After his demise, the said lands were in possession of his father. Thereafter, the said lands are in exclusive enjoyment and possession of the petitioner, his brother and sisters. While so, it came to light that the patta for the said properties was transferred to one Venkataraman and his brother Seshachalan Raja, as though, they acquired the properties by way of a Gift Deed from one Gajapathy Raja, who are no way connected with the said properties. Further, it is seen that in the year 1986, the UDR patta was issued to the 3rd and 4th respondents in respect of the said survey numbers and their names were found place in the revenue records though prior to the issuance of the said UDR Patta, the petitioner's great grand father Kondaswamy Raja's name was mentioned in the Revenue Records. Therefore, the Patta issued in respect of the Survey Nos.551 and 553 by the 1st respondent to the 3rd and 5th respondents are liable to be cancelled and joint patta has to be issued in favour of the family members of the petitioner. In this regard, the petitioner has given a representation, dated 01.09.2015 to the 1st respondent. Since, the same has not been considered till today, the petitioner is before this Court with this Writ Petition.

3. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

4. Considering the facts and circumstances of the matter, without expressing any opinion on the merits of this matter, this Court directs the 1st respondent to consider the representation of the petitioner, dated 01.09.2015, after holding an enquiry 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.

It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
Kancheepuram District.
2. The Tahsildar,
Thirukhahikundram Taluk,
Kancheepuram District.

+lcc to Mr.D.Nandagopal, Advocate, S.R.No.27471
+lcc to the Government Pleader, S.R.No.28004

W.P.No.16639 of 2016

GJ I(CO)
CA(26/05/2016)



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