

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.18812 of 2016
and
W.M.P.No.16421 of 2016

K.Mohan

... Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Tambaram Taluk,
Kancheepuram District.

3.The Revenue Inspector,
Chitlapakkam,
Tambaram Taluk,
Kancheepuram District.

4.NRD Educational Trust,
Chitlapakkam, Chennai - 600 064.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus directing the 3rd respondent to make local inspection and also submit a report to the 2nd respondent as directed by the 2nd respondent in his proceedings dated 09.12.2014, consequently, directing the 2nd respondent to conduct enquiry for cancellation of patta on the representation of the petitioner dated 24.02.2014 in respect of Patta No.1222, consequently directing the 2nd respondent to conduct enquiry for cancellation of patta on the representation of the petitioner dated 24.02.2014 in respect of patta No.1222 standing in the name of NRD Educational in respect of S.No.88, Chitlapakkam Village measuring an extent of 1.63 acres belonging to the petitioner.

For Petitioner : Mr.R.Sriram

For Respondents: Mr.R.Govindasamy,
Special Government Pleader [R1 to R3]

O R D E R

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

2. The petitioner would state that his father and four others which includes the petitioner had filed a suit in O.S.No.25 of 1968 praying for declaration and other consequential reliefs in respect of dry land bearing S.No.243 admeasuring to an extent of 3.08 acres and wet land in S.No.88 admeasuring to an extent of 1.63 acres in No.162, Chitlapakkam Village, Saidapet Taluk. The suit after contest, came to be decreed on 02.05.1972 by the Court of Subordinate Judge at Chengalpattu.

3. The petitioner would further state that one rival claimant viz. T.S.Radhakrishnan Reddiar has filed O.S.No.1478 of 1987 on the file of the Court of Additional District Munsif, Poonamallee praying for declaration that he has prescribed title to the very same property in question by adverse possession and prays for other consequential relief and it was also dismissed on 05.10.1998 and challenging the legality of the same, appeal in A.S.No.255 of 1999 was preferred on the file of this Court and it was also dismissed on 17.07.2013, thereby the title in respect of the land in S.No.88 admeasuring to an extent of 1.63 acres has become final. The grievance expressed by the petitioner is that the fourth respondent, who has no right whatsoever in respect of the land in Survey No.88, managed to get patta in his favour and in this regard, the petitioner has submitted a representation dated 24.02.2014 to the first respondent praying for cancellation of patta issued in favour of the fourth respondent and the same was forwarded to the second respondent and the second respondent in turn, directed the third respondent to conduct an enquiry and submit a report and since no progress has been made, came forward to file this writ petition.

4. Heard the submissions of Mr.R.Sriram, the learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

5. Though the petitioner prays for the larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner,

directs the second respondent to consider and dispose of the petitioner's representation dated 24.02.2014, which was forwarded by the first respondent to him, on merits and in accordance with law, after putting on notice the fourth respondent and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the fourth respondent.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

vsm
To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildar,
Tambaram Taluk,
Kancheepuram District.
- 3.The Revenue Inspector,
Chitlapakkam,
Tambaram Taluk,
Kancheepuram District.

+1 cc to M/s.R.Sriram Advocate sr.30241
+1 cc to Government Pleader sr.29787

Writ Petition No.18812 of 2016

ad(co)
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