

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.31614 of 2016

B.Vicky

... Petitioner

Vs.

1. The District Revenue Officer,
Thiruvallur District.
2. The Revenue Divisional Officer,
Ponneri Division, Ponneri,
Thiruvallur District - 601 0214.
3. The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District - 601 201.
4. Muniammal
5. Rajeswari
6. Gajendran
7. Padmavathi
8. Venkatesan

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 29.07.2016.

For Petitioner : Mr.Thanjai P.N.Chezhian

For Respondents : Mr.S.V.Durai Solaimalai
Additional Government Pleader

O R D E R

This Writ Petition has been filed to direct the respondents 1 to 3 to consider the petitioner's representation dated 29.07.2016.

2. The petitioner submits that his grandfather one Govindan was having lands and property bearing survey Nos.29/5, 30/3B, 31/3A, 28/2, 29/2, 264/1A at Sirupuzhalpet Village and Pudu Gummidipoondi Village, Gummidipoondi Taluk, Thiruvallur District and he died on 09.03.2005 leaving behind his wife, sons and daughters as his legal heirs. After his death, the grandmother of the petitioner executed a settlement deed in favour her grand children viz., petitioner, one Raja, S/o.Gopal and Minor Rakesh Son of Rajendran on 01.10.2013 and it has been duly registered with Sub Registrar Office at Gummidipoondi vide its document No.5393 of 2013. Thereafter, they became the owners of the said property and since then, they are in peaceful possession and enjoyment of the properties. In respect of the other properties of their grandfather, a civil suit in O.S.No.60 of 2015 is pending before the District Munsif Court, Ponneri against the respondents 4 to 8. During the pendency of the said suit, the third respondent has cancelled the patta which stands in the name of the grandfather and grandmother of the petitioner and re-issued the same patta in favour of the respondents 4 to 8. Therefore, the petitioner submitted a representation to the respondents 1 to 3, to cancel the patta issued to the respondents 4 to 8 and re-issue patta to the petitioner. But till date no action has been taken by the respondents on the said representation and hence, the present Writ Petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3.

4. The learned Additional Government Pleader submitted that as against the cancellation of patta, the remedy open to the petitioner is to file an appeal before the Revenue Divisional Officer and not a Writ Petition before this Court.

5. As per the learned counsel for the petitioner, an appeal has already been filed against the said cancellation of patta, and as the petitioner is not a party to the appeal, he has filed this Writ Petition. Even if the petitioner is not a party to the appeal, he can very well take steps to get himself impleaded in the said appeal.

6. In view of the submissions made on either side, this Writ Petition closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The District Revenue Officer,
Thiruvallur District.
2. The Revenue Divisional Officer,
Ponneri Division, Ponneri,
Thiruvallur District - 601 0214.
3. The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District - 601 201.

+1cc to Mr.Thanjai P.N.Chezhian, Advocate, S.R.No.51673

W.P. No.31614 of 2016

NR(CO)
CA(29/09/2016)

सत्यमेव जयते

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