

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.35045 of 2016

Haseena Begum

... Petitioner

Versus

1. The District Collector,
Collectorate,
Kancheepuram District.
2. The Revenue Divisional Officer,
Tambaram.
3. The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the second respondent to act upon the report filed by the 3rd respondent vide Na.Ka.No.15318/2015/AA3 dated 22.02.2016 and further to direct the second respondent to dispose of the representation preferred by the petitioner dated 16.09.2016 in the light of the report given by the third respondent to the second respondent.

For Petitioner : M/s.A.Ansar

For Respondents: Mr.R.S.Selvam
Government Advocate

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner is the owner of the land, measuring an extent of 3,488 sq.ft, in Old Survey No.75/1A, New Survey No.1A/New Survey No.75/21, situate at Old No.176, New No.20, Vengaivaasal, Santhoshpuram, Seethalakshmi Nagar. After obtaining patta to the said land, the petitioner is in possession of the property. While so, one Esther Panchammal and her son, namely, B.Prakasam, fabricated the document as if

Esther Panchammal got the property by way of inheritance, based upon which, she made settlement deed in favour of her son. Thereafter, they have applied for issuance of patta before the Revenue Authorities, by using forged documents and settlement deed as genuine one. The 3rd respondent herein believed the documents produced by them. Thereafter, patta was issued in favour of B.Prakasam. After knowing the same, the petitioner preferred a petition before the third respondent. In turn, the third respondent inspected the property and conducted an enquiry. On enquiry, the third respondent found that the petitioner is in continuous possession of the property. Thereafter, the third respondent sent a report in this regard to the second respondent stating that B.Prakasam was not in possession of the property and requested the second respondent to cancel the patta issued in favour of B.Prakasam. Even though the 3rd respondent sent a report to the second respondent to cancel the patta issued in favour of B.Prakasam, the second respondent has not considered the same. Thereafter, the petitioner, on 16.09.2016, filed a petition before the second respondent requesting to cancel the patta issued in favour of Prakasam, in the light of the report submitted by the third respondent. However, the same is still pending before the second respondent. Hence, the petitioner has filed the present writ petition seeking a direction to the second respondent to dispose of the petition preferred by her on 16.09.2016.

3. Heard the learned counsel for the petitioner and the learned Government Advocate who accepts notice for the respondents.

4. Considering the limited scope of prayer sought for in the writ petition, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the petition dated 16.09.2016 filed by the petitioner, in the light of the report submitted by the third respondent and pass orders, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

5. With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

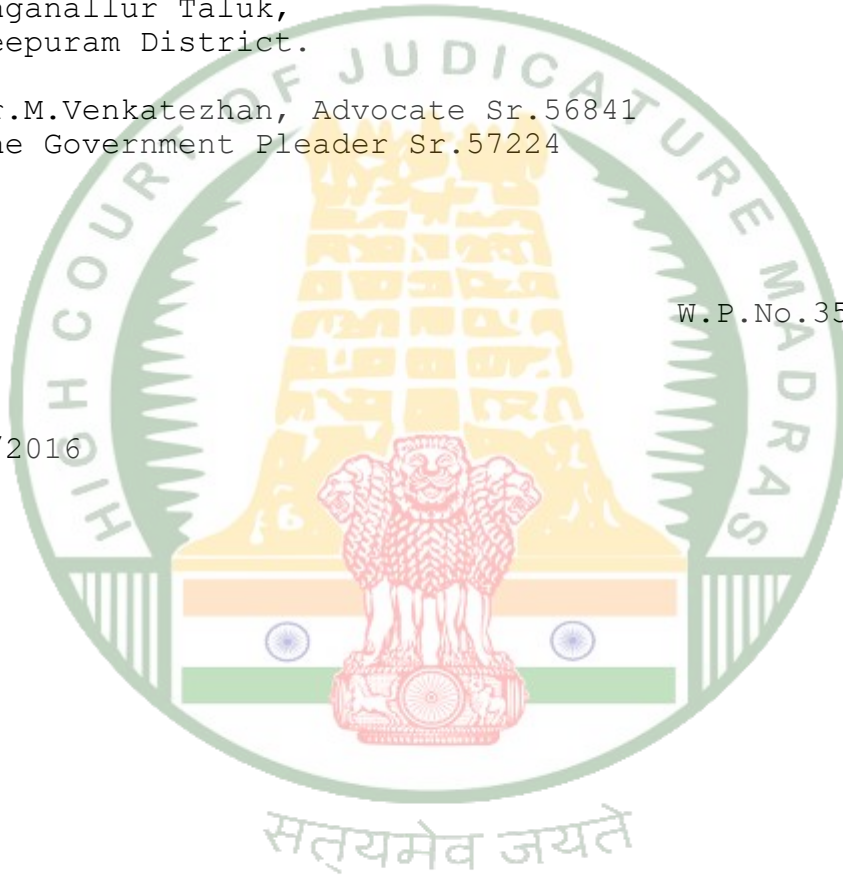
To

1. The District Collector,
Collectorate,
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2. The Revenue Divisional Officer,
Tambaram.
3. The Tahsildar,
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Kancheepuram District.

+1cc to Mr.M.Venkatezhnan, Advocate Sr.56841
+1cc to the Government Pleader Sr.57224

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cnr[co]
srg 17/11/2016



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