

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 44122 of 2016
and WMP No.37936 of 2016

N.Venkatesh

.. Petitioner

Vs.

1 The Tahsildar,
Velachery Taluk.
No.113, VV Koil Street,
Institute of Road Transport Training Centre Complex,
Taramani 100 Feet Road,
Chennai 600 113.

2 N.Kasi Viswanathan
3 N.Ramesh
4 K.R.Mohanakrishnan Asha
5 N.Venkateswaran
6 N.K. Nivetha
7 T.Aswin
8 Rajini
9 N.K.Naresh Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 19.10.2016 and pass appropriate orders in accordance with law within a time bound manner preferably within a period of four weeks towards cancellation of the wrongly issued patta in favour of the second respondent.

For Petitioner : Mr.Sathish Parasaran, SC
for Mr.R.Parthasarathy

For 1st Respondent : Mr. R.Rajeswaran
Spl. Government Pleader

O R D E R

Heard Mr.Sathish Parasaran, Senior Counsel for Mr.R.Parthasarathy, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing on behalf of the 1st respondent.

2. By consent, the writ petition itself is taken up for final hearing, in view of the limited prayer.

3. The petitioner has come up with the present writ petition praying to direct the 1st respondent to consider the representation of the petitioner dated 19.10.2016 and pass appropriate orders in accordance with law within a time bound manner preferably within a period of four weeks towards cancellation of the wrongly issued patta in favour of the second respondent.

4. Learned counsel for the petitioner submitted that the petitioner seeking a writ of mandamus directing the first respondent to consider the petitioner's representation dated 19.10.2016. The 2nd respondent has put up unauthorized construction at the plot co-owned by the petitioner, the 2nd respondent and the 3rd respondent. The 8th respondent had in fact wrongly obtained patta individually in his name, wholly regardless of the rights of the petitioner and the 9th respondent. When these concerns were brought to the notice of the concerned authorities, no action has been taken despite several representation made by the petitioner. Hence, the petitioner has come up with this writ petition.

5. Learned Special Government Pleader submitted that if the said representation dated 19.10.2016 made by the petitioner is in order, the same would be considered by the respondents, in accordance with law.

6. Considering the facts and circumstances of the case, without expressing any opinion on merits, the second respondent is directed to consider the representation of the petitioner dated 19.10.2016, if it is otherwise in order, in accordance with law, by giving a reasonable opportunity to the parties concerned and pass appropriate orders as expeditiously as possible, not later than twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of, on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

The Tahsildar,
Velachery Taluk.
No.113, VV Koil Street,
Institute of Road Transport Training Centre Complex,
Taramani 100 Feet Road,
Chennai 600 113.

+lcc to the Government Pleader, S.R.No.76292

KJ(CO)
RS(12/01/2017)

W.P. No. 44122 of 2016



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