

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 10244 of 2014

P.Jeyaselvi

Petitioner

Vs

1. The Secretary to Government of Tamil Nadu
Revenue Department,
Secretariat
Chennai - 9.

2. District collector
Tiruvallur - District,
Tiruvallur

3. The Revenue Divisional Officer,
Ponneri,
Tiruvallur - District.

4.Mr.Vilvamani

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st to 3rd respondents to consider the petitioner's representation dated 06.05.2013 for cancellation of the patta mistakenly granted under the UDR scheme to the 4th respondent to the extent of 5 $\frac{3}{4}$ Cents land which is purchased by the petitioner and pass order for issue patta in the name of the petitioner an extent of 5 $\frac{3}{4}$ Cents out of 50 Cents (0.20.5 Hecters) in respect of Survey No.166/1 situated at No.64, Athupakkam village, Gummidipoondi Taluk, Thiruvallur district.

For Petitioner : Mr.R.Velu

For Respondent : Mr.D.Raghu
Government Advocate
For R1 to R3

O R D E R

The relief sought for in this writ petition is for a direction directing the respondents 1 and 3 to consider the

representation submitted by the writ petitioner dated 06.05.2013 for cancellation of patta, mistakenly granted under the UDR Scheme to the 4th respondent to the extent of 5 $\frac{3}{4}$ cents land, which is purchased by the petitioner and pass order to issue patta in the name of the petitioner to an extent of 5 $\frac{3}{4}$ cents out in respect of 50 cents (0.20.5 hectares) in respect of survey No.166/1 situated at No.64, Athuppakkam village, Gummudipoondi Taluk, Tiruvallur District.

2. The learned counsel appearing for the petitioner states that patta in favour of the 4th respondent was erroneously granted by the Revenue officials, in respect of the land belongs to the writ petitioner. However, the writ petitioner made a representation before the 3rd respondent for cancellation of patta on 06.05.2013 and the same is yet to be considered.

3. This Court is of an opinion that in cancellation of patta, persons aggrieved are entitled to file an application before the competent authorities. In the present case on hand, the writ petitioner had already submitted a representation to the 3rd respondent for cancellation of patta granted in favour of the 4th respondent. Thus, the same is to be considered by conducting an enquiry and thereafter, an order is to be passed.

4. Accordingly, the 3rd respondent is directed to consider the representation submitted on 06.05.2013 and pass orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation and all relevant documents along with the order passed in the writ petition.

5. Accordingly the writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar (Audit)

True Copy

Sub-Assistant Registrar

sk/kmm

To

1. The Secretary to Government of Tamil Nadu
Revenue Department,
Secretariat
Chennai - 9.

2. District collector
Tiruvallur - District,
Tiruvallur

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3. The Revenue Divisional Officer,
Ponneri,
Tiruvallur - District

+1 cc to The Government Pleader SR.No.65042
+1 cc to Mr.R.Velu, Advocate SR.No.64412

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KR(CO)
CSL/16.10.2018



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