

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14184 of 2016

Pradeep Kumar Sarawagi

... Petitioner

vs.

1. The Collector of Chennai,
Singaravelar Maligai, Rajaji Salai,
Chennai - 600 001.

2. The Director,
Survey and Settlement Department,
No.1 Ezhilagam, Kamarjar Salai,
Chennai - 600 011.

3. The Tahsildar,
Perambur - Purasaiwakkam Taluk,
No.3, Perambur High Road,
Chennai - 600 011.

4. V.Baskaran

5. V.Thiyagarajan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the 3rd respondent to take necessary action on the representation dated 27.02.2016 sent by the petitioner.

For Petitioner :M/s.R.Narendran

For Respondents :Mrs. A.Shrijayanthi for R1 to R3
Mr.A.S.Vijay Anand for R4 & R5

W E B C O P Y
O R D E R

The grievances of the writ petitioner is that, the patta granted in favour of the respondents 4 and 5 are fraudulent and the respondents 4 and 5 obtained patta by misrepresentations and through fraudulent means. Thus, the writ petitioner submitted an application for cancellation of patta before the 3rd respondent, Tahsildar, on 27.02.2016. However, the application submitted by the writ petitioner has not been considered by the 3rd respondent.

2. This Court is of an opinion that, grant of patta, cancellation of patta or alterations or modifications in

revenue records are to be done by following procedures contemplated under the Tamil Nadu Patta Pass Book Act, 1983. Section 3 of the Act contemplates that, the patta can be granted to the owner of the property and therefore in the event of the dispute in respect of the title, ownership or possession, the same cannot be adjudicated by the revenue officials. If any dispute arises between the parties in respect to the title of the property, then the parties must be directed to approach the Competent Civil Court of Law for adjudicating the matter by producing documents and by adducing evidences.

3. This being the principles to be followed, the authorities competent cannot grant patta if there is any dispute in respect of title, ownership and possession. However, the application submitted by the writ petitioner for cancellation of patta has not been considered at all.

4. Thus without going in to the merits, the third respondent Tahsildar is directed to consider the representation submitted by the writ petitioner on 27.02.2016 and pass order on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose a copy of his representation and with all other relevant documents along with the orders passed in this writ petition.

5. Accordingly, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Collector of Chennai,
Singaravelar Maligai, Rajaji Salai, Chennai - 600 001.
2. The Director,
Survey and Settlement Department,
No.1 Ezhilagam, Kamarajar Salai, Chennai - 600 011.
3. The Tahsildar,
Perambur - Purasaiwakkam Taluk,
No.3, Perambur High Road, Chennai - 600 011.

+ 1 cc to M/s. A.S.Vijay Anand, Advocate Sr.70882
+ 1 cc to Mr. R. Narendran, Advocate Sr.70958
+ 1 cc to Government Pleader Sr.71128

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