

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.04.2018
CORAM
THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.10671 of 2018

M/s.Casa Grande Vallam LLP
rep by its Manager-Legal Y.Mohan Raj,
NPL Devi, New No.111, Old No.59,
L.B.Road, Thiruvannamiyur,
Chennai - 600 041.

...Petitioner

Vs.

1.The Tahsildar,
Sriperumbudur Taluk Office,
Tiruvallur Road, Sriperumbudur,
Tamil Nadu - 602 105.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kanchipuram Collectorate,
Gandhi Nagar, Thaiyarkulam,
Kanchipuram, Tamil Nadu - 631 501.

3.The District Collector,
Office of District Collector,
Gandhi Nagar, Thaiyarkulam,
Kanchipuram, Tamil Nadu - 631 501.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to consider the representation dated 02.04.2018 submitted by the petitioner and pass necessary orders on merits after duly giving the petitioner a personal hearing and opportunity to present their case for restoration of Revenue records in favour of the petitioner, pertaining to the property situated at Vallam "B" Village, Sriperumbudur Taluk, Kanchipuram District measuring an extent of 1.94 acres in Survey No.308/3, situated within the Sub Registration District of Sriperumbudur and Registration District of Kanchipuram.

For Petitioner : Mr.M.S.Krishnan, Senior Counsel
for M/s.Ganesh and Ganesh

For Respondents : Mrs.K.Bhuvaneshwari,
Additional Government Pleader

O R D E R

Mr.M.S.Krishnan, learned senior counsel appearing for the petitioner has submitted that the petitioner viz., M/s.Casa Grande Vallam LLP, who is the owner of the lands covered under the Survey Numbers mentioned in the Patta No.1900 issued by the Tahsildar on 11.12.2013, has come to this Court seeking for a direction to the Tahsildar, Sriperumbudur, Kanchipuram District to consider the representation dated 02.04.2018 and to pass necessary orders on merits, after giving personal hearing and opportunity to the petitioner for restoration of the revenue records in their favour relating to the property covered in Survey No.308/3 to an extent of 1.94 acres.

2.The learned senior counsel, in support of his prayer, also submitted that the petitioner has purchased the aforementioned property under a Sale Deed dated 23.01.2013 registered as Document No.1307/2013 from one Veerabathiran and Kaliappan. Pursuant thereto, the petitioner was put on physical possession by the vendors from the date of registration of the Sale Deed. Subsequently, the petitioner approached the Revenue Authorities for issuance of patta. Accepting the case of the petitioner, patta has also been issued showing the name of the petitioner as owner in respect of the lands covered in Survey Numbers shown in the patta. Later on, the petitioner has obtained building approval duly sanctioned by the Director of Town and Country Planning on 10.02.2014 and thereafter, they have also completed construction as per the approved plan and sold the constructed units with land share in favour of the prospective purchasers.

3.When the matter stands as above, when the petitioner verified the online patta, they came to know that Survey No.308/3 measuring an extent of 1.94 acres has been mutated in the name of SIPCOT in Patta No.1947 in the year 2015, without any notice or information to the petitioner. Under this background, the petitioner has given a representation on 02.04.2018 requesting the Tahsildar, Sriperumbudur to restore the patta in Survey No.308/3 to an extent of 1.94 acres in the name of the petitioner viz., M/s.CAasa Grande Vallam LLP. As the same has not been considered, the petitioner has come before this Court by filing this Writ Petition.

4.The learned Additional Government Pleader appearing for the respondents sought six weeks time to consider the representation of the petitioner and pass orders on the same.

5.In the affidavit filed in support of the Writ Petition it has been mentioned that the respondents appear to have cancelled the patta without giving notice to the petitioner.

6.In such view of the matter, the Writ Petition is disposed of directing the 1st respondent to consider and dispose of the petitioner's representation dated 02.04.2018 on merits, by giving personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is also directed to produce all the relevant documents. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Tahsildar,
Sriperumbudur Taluk Office,
Tiruvallur Road, Sriperumbudur,
Tamil Nadu - 602 105.
- 2.The Revenue Divisional Officer,
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Gandhi Nagar, Thaiyar Kullam,
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+2 ccs to M/s.Ganesh & Ganesh Advocate sr 31177
+1 cc to the Government Pleader sr 31780

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