

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.02.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.28454 of 2016

and

WMP No.24562 of 2016

1.D.Nandakumar

2.N.Geetha

... Petitioners

vs

1.The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai 600 001.

2.The Tahsildar,
Ayanavaram Taluk,
Ayanavaram,
Chennai 600 023.

3.P.S.Ulagarakshagan

4.U.Shoban Kumar

....Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the first respondent to initiate appropriate action based on the petitioner's representation dated 30.07.2016 by taking the assistance of an officer other than the second respondent and dispose of the same in accordance with its merits within the time frame fixed by this Court.

For petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.R.Govindasamy for R1 and R2

Special Government Pleader

Mr.S.Natana Raja for R3 and R4

O R D E R

The petitioner seeks for a mandamus directing the first respondent to initiate appropriate action based on the petitioner representation dated 30.07.2016 and pass orders on the same in accordance with law.

2.The grievance of the petitioners is that patta issued in favour of the respondents 3 and 4 is in respect of over and above the extent of the property, which the respondents 3 and 4 are entitled to. Thus, the grievance of the petitioner in a nut shell is that by grant of such patta in favour of the respondents 3 and 4, a portion of the petitioner's property is sought to be encroached upon by the respondents 3 and 4. Ventilating such grievance, the petitioners have approached this court by filing this writ petition.

3.Needless to say that if the patta is issued by the second respondent either erroneously or wrongly to the respondents 3 and 4, the petitioners have to only approach the Appellate Authority viz., the concerned RDO and file an appeal. Without doing so, the petitioners have straight away gone before the first respondent and have given the representation. Therefore, without expressing any view on the merits of the claim made by the petitioners, this writ petition is disposed of, by directing the first respondent to refer the representation given by the petitioners to the concerned RDO, who in turn shall treat the same as appeal and pass orders on merits and in accordance with law, after hearing the petitioners as well as the respondents 3 and 4 and other interested parties, if any. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vri

To

1.The District Collector,
Chennai District,
Singaravelar Maligai,Chennai 600 001.

2.The Tahsildar,
Ayanavaram Taluk,
Ayanavaram, Chennai 600 023.

+1cc to Mr.S.Natana Raja, Advocate, S.R.No.14984
+1cc to Mr.T.S>Rajamohan, Advocate, S.R.No.15017
+1cc to the Government Pleader, S.R.No.15380

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RRK(12/03/2018)