

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :10.12.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.32615 of 2018

Sarathammal @ Saratha

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Kanchipuram,
Kanchipuram District.

2.The Tahsildar,
Office of the Tahsildar,
Thirukalukundram,
Kanchipuram District.

3.Ganesan

.... Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representations dated 23.11.2017 and 24.11.2018 for cancellation of Patta No.47, in Survey No.127A/2 for the land measuring 33 cents situated at Narappakkam Madhra Agatheswara Village, Thirukalukundram Taluk, Kanchipuram District in the name of the third respondent.

For Petitioner : Mr.A.Jayaprakash

For RR1 & 2 : Mr.V.Shanmusundar, Spl G.P.

W R D E R

Heard, Mr.A.Jayaprakash, the learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, the learned Special Government Pleader, who accepts notice on behalf of the respondents 1 & 2.

2. With consent of the learned counsel on either side, the Writ Petition itself is taken up for disposal.

3. The petitioner has come up with this writ petition seeking a direction to the second respondent to consider his representations dated 23.11.2017 and 24.11.2018 respectively, for cancellation of Patta No.47, in respect of the land measuring an extent of 33 cents in Survey No.127A/2, situated at Narappakkam Madhra Agatheswara Village, Thirukalukundram Taluk, Kanchipuram District, which stands in the name of the third respondent.

4. According to the learned counsel for the petitioner, the petitioner has submitted representations dated 23.11.2017 and 24.11.2018 respectively, claiming the relief as prayed for in this Writ Petition. But, the same are yet to be disposed of by the second respondent. Hence, the petitioner is before this Court.

5. The learned Special Government Pleader appearing for the respondents 1 & 2 would submit that since the relief sought for in this writ petition is with regard to the cancellation of UDR Patta, the Competent authority is the District Revenue Officer, and hence, the second respondent/Tahsildar cannot pass any orders on the same.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representations made, directs the petitioner to make a fresh representation to the District Revenue Officer alongwith copies of the representations made to the Tahsildar within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the District Revenue Officer is directed to consider and pass appropriate orders on the same, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and the third respondent, as well as any of the interested parties, within a period of five weeks thereafter.

7. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The District Collector,
Office of the District Collector,
Kanchipuram,
Kanchipuram District.

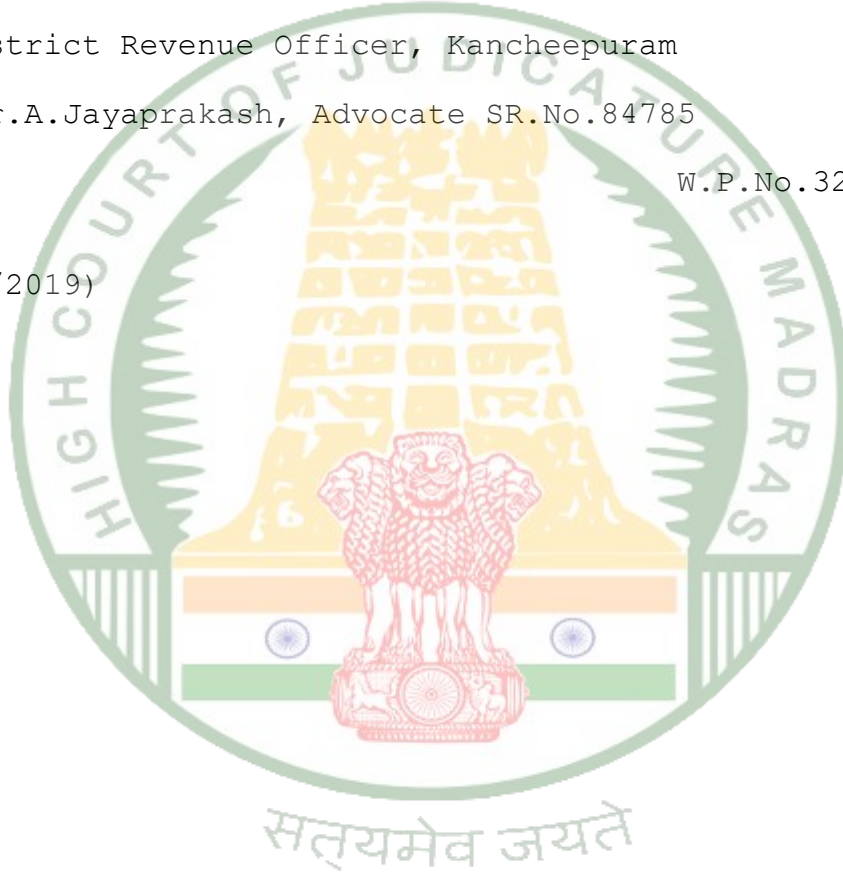
2.The Tahsildar,
Office of the Tahsildar,
Thirukalukundram,
Kanchipuram District.

3. The District Revenue Officer, Kancheepuram

+1cc to Mr.A.Jayaprakash, Advocate SR.No.84785

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SAI (CO)
GMY (29/01/2019)



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