

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2922 of 2019

G.Suryakala

.. Petitioner

Vs.

1. The District Collector,
Kanchipuram District,
Kanchipuram 631 501.
2. The Revenue Divisional Officer,
O/o.The District Collector,
Kanchipuram 631 501.
3. The Tahsildar,
Chengalpattu Taluk,
Chengalpattu,
Kanchipuram District 603 001.

4.Mrs.S.Saroja

5.Mathew

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent herein to consider the representation of the petitioner herein, dated 29.08.2017 to cancel the patta given to 4th respondent in contrary to the orders of the W.P.No.29468 of 2010 and issue patta for the 28 cents comprised in Old Survey No.225/2 and New Survey No.225/2A to the petitioners name.

For Petitioner

:Mr.M.Ramalingam

For Respondents 1 to3

:Mr.V.Shanmugasundar

Special Government Pleader

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this Writ Petition seeking a direction to the third respondent to consider the petitioner's representation dated 29.08.2017 to cancel the patta given to fourth respondent in contrary to the order dated 23.12.2010 passed in W.P.No.29468 of 2010 and issue patta in her favour in respect of the property in Old Survey No.225/2 and New Survey No.225/2A, measuring an extent of 28 cents.

3. According to the learned counsel for the petitioner, the respondents 4 and 5 have filed a suit in O.S.No.380 of 2009 against the petitioner before the District Munsif Court, Chengalpattu seeking for declaration and injunction and the same is pending. Pending suit, without adding the petitioner as a party, the respondents 4 and 5 have filed a Writ Petition in W.P.No.29468 of 2010 seeking a direction to dispose of their representation dated 18.10.2009 for issuance of patta in respect of the vacant site in Old Survey No.225/2 and New Survey No.225/2A, measuring an extent of 28 cents. This Court, vide order dated 23.12.2010, directed the Revenue Authorities to dispose of the said representation on merits and in accordance with law, after giving an opportunity of hearing to the petitioner and the other persons concerned, without expressing any opinion on the merits of the matter. It is stated that the respondents 4 and 5 have purposely suppressed the pendency of the suit in the said Writ Petition as well as in the representations given to the Revenue Authorities. Further, the Revenue Authorities had given patta to the said Saroja and Mathew/respondents 4 and 5 herein. Hence, the petitioner has given a representation to the respondents 1 to 3 to cancel the patta given to Saroja and issue patta in his name, but, the same is yet to be disposed of by the respondents 1 to 3. Hence, the petitioner is before this Court.

4. Heard Mr.V.Shanmugasundar, learned Special Government Pleader on behalf of the respondents 1 to 3.

5. 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 representation, directs the second respondent to consider the petitioner's representation dated 29.08.2017 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, the respondents 4 and 5 herein and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Srn

To

1. The District Collector,
Kanchipuram District,
Kanchipuram 631 501.
2. The Revenue Divisional Officer,
O/o.The District Collector,
Kanchipuram 631 501.
3. The Tahsildar,
Chengalpattu Taluk,
Chengalpattu,
Kanchipuram District 603 001.

+1 cc to Mr.M.Ramalingam, Advocate, S.R.No.8549

+1 cc to the Government Pleader, S.R.No.9135

SSM(18/02/2019)

W.P.No.2922 of 2019

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