

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7858 of 2016

G.V.Rajagopal Chetty

.. Petitioner

Vs.

1. The Sub Collector,
Office of the Sub Collector, Hosur.

2. M.Akshayaram ... Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to cancel the joint patta and restore the original patta in patta No.984 based on the appeal dated 02.09.2015.

For Petitioner : Mr.S.C.Vishwanth

For Respondent-1 : Mr.N.Inbanathan
Additional Government Pleader

For Respondent-2 : Ms.R.Poornima

O R D E R

The Writ Petition is filed for a mandamus seeking a direction to the respondent to cancel the joint patta and restore the original patta in patta No.984 based on the appeal dated 02.09.2015.

2. According to the learned counsel for the petitioner, the property in S.No.590 measuring an extent of 2.32 acres at Mathigiri Village was purchased by the petitioner's father, viz., Venkatarama Chetty, vide Document No.74/1946 and patta was also granted vide patta No.462. After the demise of his father, a family partition took place and the said property was allotted to the petitioner vide document Partition Deed Document No.2680/1976. While granting UDR, new patta number 984 was assigned to the said property. During the month of April, 2015, the petitioner came to know that some persons attempted to file

an application for change of patta. Immediately, he sent a legal notice on 12.04.2015 to the respondent authorities. Even after the receipt of said notice, the authorities concerned had issued joint patta, including the second respondent herein. Hence, the petitioner sought for certain documents under RTI Act, wherein, it was found that joint patta was issued. According to the petitioner, the respondent authorities and the second respondent had manipulated the documents. Aggrieved by the same, the petitioner had preferred an appeal on 02.09.2015 before the respondent herein to cancel the order of joint patta and to restore the original patta. However, the respondent has not taken any steps in this regard and hence, the petitioner is before this Court.

3. Heard Mr.S.C.Vishwanth, learned counsel for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader for the first respondent and Ms.R.Poornima, learned counsel for the second respondent.

4. It appears that there is a Civil Suit pending between the parties and the appeal filed by the petitioner is also pending from the year 2015.

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 case, directs the first respondent to dispose of the appeal dated 02.09.2015 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, the second respondent herein as well as the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order.

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

सत्यमेव जयते

Sd/-

Assistant Registrar(Insp.cell)

WEB COPY
//True Copy//
Sub Assistant Registrar

To

The Sub Collector,
Office of the Sub Collector,
Hosur.

+1 cc to M/s.R.Poornima, Advocate Sr.No.25339
+1 cc to Mr.S.C.Vishwanth, Advocate Sr.No.25242
+1 cc to The Government Pleader, Sr.No.26312

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CSL/02.05.2019



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