IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.03.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.No.6637 of 2020

Vasantha … Petitioner

Vs.

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The District Revenue Officer,
Kanchipuram District,
Kanchipuram.

3.The Revenue Divisional Officer,
Kanchipuram District,
Kanchipuram.

4.Tahsildar,
Kanchipuram Taluk,
Kanchipuram.

5.N. Gangadharan … Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents 1 to 4 to consider and dispose of the representation of the petitioner dated 18.12.2019 addressed to the respondents 1 to 4 through petitioner's counsel, within the time frame fixed by this Court.

For Petitioner : Mr. Sugumar R. Rajulu

For Respondents : Mr. P. Senthilvel, for R1 to R4
Additional Government Pleader

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O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents to dispose of the representation made by the petitioner on 18.12.2019.

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2. The case of the petitioner is that he along with others are co-owners of the subject property and a suit for partition is pending in O.S.No.85/2010 on the file of the District Court, Kanchipuram against the fifth respondent and others. The grievance of the petitioners is that while the suit was pending, the fifth respondent has managed to get a patta in his favour from the fourth respondent. Therefore, the petitioner has given a representation to the respondents to call for an enquiry and for cancellation of the patta. Since the same was not considered, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. It is seen from records that only a legal notice dated 18.12.2019 has been issued to respondents 1 to 4. Such a legal notice can never be considered to be a representation. If at all the petitioner is aggrieved by the patta issued in favour of the fifth respondent, the petitioner will have to file an appeal before the third respondent seeking for the cancellation of patta. However, only a legal notice has been issued to respondents 1 to 4.

5. In view of the above, liberty is given to the petitioner to make a fresh representation / appeal to the third respondent and the third respondent on receipt of the same shall deal with it strictly in accordance with law, after giving sufficient opportunity to the fifth respondent and pass appropriate orders as expeditiously as possible. .

6. This writ petition is disposed of with the above direction. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy
Sub-Assistant Registrar

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AT

To
1.The District Collector,
Kanchipuram District,
Kanchipuram.

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3.The Revenue Divisional Officer,
Kanchipuram District,
Kanchipuram.

4.The Tahsildar,
Kanchipuram Taluk,
Kanchipuram.

+1 cc to M/s.Sugumar R.Rajulu Advocate sr22922
+1 cc to the Government Pleader sr23673

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