

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.12073 of 2020

Dr.J.Sathish Kumar

... Petitioner

-Vs-

1. The District Revenue Officer
Collectorate Office, Singaravelar Maligai
Chennai-01
2. The Tahsildar
Egmore Taluk, Chennai-03
3. K.Jayamahesh
S/o.C.Krishnamurthy Amirtha Sadan St.
George St Alappuzha Post Alappuzha H.O.
Alappuzha- 688001 Kerala.
4. The Revenue Divisional Officer
Chennai Central, Chennai.Respondents
(Suo-motu impleaded by order of this Court
dated 07.09.2020)

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to dispose of the representation dated 18.03.2020 submitted to the first respondent for the cancellation of patta for the Survey No.154/231 with regard to the property bearing No.13 Vasu Street Kilpauk Chennai-600010 and to conduct fresh enquiry by the second respondent for the issuance of the patta.

For Petitioner : Mr.L.Damodharan
For Respondents : Mr.S.N.Parthasarathi,
Government Advocate
for Respondents 1,2 and 4

O R D E R

The Revenue Divisional Officer, Chennai Central, Chennai is suo-motu impleaded as the fourth respondent in this writ petition.

2. This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 18.03.2020 wherein the petitioner has sought for cancellation of Patta issued in favour of the third respondent and for issuance of a fresh patta in favour of the petitioner.

3. It is seen from the records that the Patta stands in the name of the third respondent. Even the extract from the Town Survey Register shows that the subject property stands in the name of the third respondent. The grievance of the petitioner is that the petitioner is the absolute owner of the house property admeasuring an extent of 9219 Sft including 50% of the undivided share in the common passage and the second respondent, without conducting an enquiry and issuing notice to the petitioner, had issued Patta in the name of the third respondent for the entire property in S.No.154/56. The petitioner submitted a representation before the first respondent on 18.03.2020. As the same was not considered, the present writ petition has been filed before this Court.

4. Heard Mr.L.Dhamodharan, learned counsel for the petitioner and Mr.S.N.Parthasarathi, learned Government Advocate for respondents 1, 2 and 4.

5. The petitioner ought to have filed an appeal before the fourth respondent if he is aggrieved by the issuance of the Patta by the second respondent. Instead, a representation has been made to the first respondent.

6. Taking into consideration the facts and circumstances of the case, this Writ Petition is disposed of with a direction to the petitioner to submit a representation before the fourth respondent along with all the relevant documents. The fourth respondent, on receipt of the representation, shall issue notice to the third respondent and conduct an enquiry and pass orders strictly in accordance with law within a period of eight weeks from the date of receipt of the representation from the petitioner.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

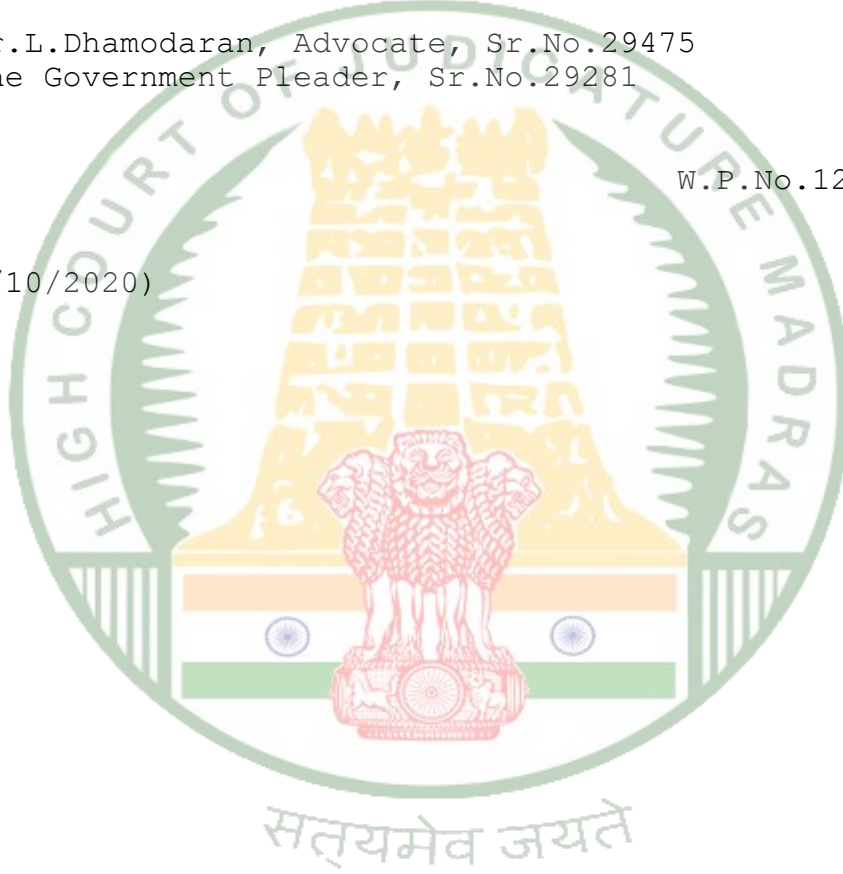
1. The District Revenue Officer
Collectorate Office, Singaravelar Maligai
Chennai-01
2. The Tahsildar
Egmore Taluk, Chennai-03
3. The Revenue Divisional Officer
Chennai Central, Chennai.

+1cc to Mr.L.Dhamodaran, Advocate, Sr.No.29475

+1cc to the Government Pleader, Sr.No.29281

W.P.No.12073 of 2020

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