

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15444 of 2020

Rahamathunnisa

...Petitioner

Vs.

1 The Tahsildhar
Mylapore Taluk
Mylapore Taluk office
Chennai District

2 Mohammed Kaleem

3 Tajsulthana

4 The Revenue Divisional Officer
Chennai South.

...Respondents

(Fourth respondent is suo-motu impleaded as a party, as per the order of this Court dated 03.11.2020 made in this Writ Petition).

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent to consider and dispose of the petitioner's representation dated 31.08.2020 for cancellation of Patta, which was granted to the respondents 2 and 3 by the 1st respondent in his proceedings in TR/787/13-14 dated 05.07.2013 TR dated 04.08.2016 by way of modifying the said patta and grant the Patta for the petitioner's property house ground and premises bearing Municipal Door No.2/1 Venkatesa Naicken II Street, Mount Road, Madras 600-002 and comprised in O.S. No. 318 R.S.No.229/1 (part) C.C. No. 6190 and measuring 696 sq.ft and situated within the Registration District of Central Madras and Sub Registration District of Triplicane.

For Petitioner : M/s.H.Yasmeen Ali

For Respondents 1 & 4 : Mr.S.N.Parthasarathi
Government Advocate

ORDER

The Revenue Divisional Officer, Chennai South is suo-motu added 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 31.08.2020, wherein the petitioner has sought for cancellation of patta granted in favour of the second and third respondents.

3. Mr.S.N.Parthasarathi, learned Government Advocate appearing on behalf of the first respondent and the impleaded fourth respondent submitted that the petitioner has to file an Appeal before the fourth respondent in the prescribed format, since the petitioner is seeking for cancellation of patta issued in favour of the second and third respondents. The learned Government Advocate further submitted that the first respondent has called the petitioner and the respondents 2 and 3 for a preliminary enquiry on 23.11.2020 at 11 a.m. The learned counsel further submitted that after enquiry, the report will be submitted before the fourth respondent and thereafter, the fourth respondent will have to consider the case of the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner will immediately file an Appeal before the fourth respondent and some time limit can be fixed for the completion of the proceedings.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the petitioner to file an Appeal in the prescribed format before the fourth respondent, namely the Revenue Divisional Officer, Chennai South, on or before 16.11.2020. In the mean time, the first respondent can conduct the preliminary enquiry by affording sufficient opportunity to the petitioner and the respondents 2 and 3 and the report can be submitted before the fourth respondent. This process shall be completed by the first respondent within a period of four weeks from the date of receipt of a copy of this order. The fourth respondent shall, thereafter, conduct the enquiry after considering the report of the first respondent and pass final orders strictly in accordance with law, within a period of six weeks thereafter.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mra

To

1 The Tahsildhar
Mylapore Taluk
Mylapore Taluk office
Chennai District.

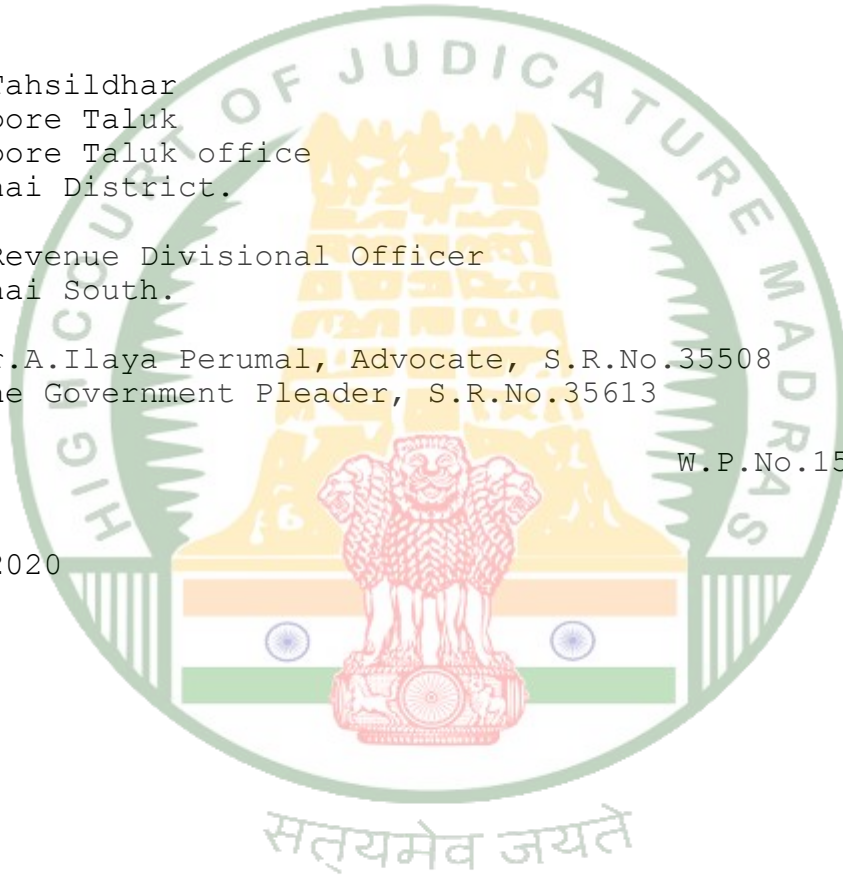
2 The Revenue Divisional Officer
Chennai South.

+1cc to Mr.A.Ilaya Perumal, Advocate, S.R.No.35508

+1cc to the Government Pleader, S.R.No.35613

W.P.No.15444 of 2020

SAI(CO)
CS/18/11/2020



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