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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.19648 of 2021

S. Dhanapal.

...Petitioner

Versus

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Mambalam Taluk, Chennai-600 078.

2. V.Sathis.

3. V.Balaji.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to pass orders on the petitioner's representation dated 29.12.2018 given by way of appeal and to cancel the patta issued to the 2nd and 3rd respondents within the stipulated time as fixed by this Court.

For Petitioner : Mr.K.Varatharajan.

For R1 : Mr.Yogesh Kannadasan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the first respondent to pass orders on the petitioner's representation dated 29.12.2018 given by way of appeal and to cancel the patta issued to the respondents 2 & 3 within the stipulated time as fixed by this Court.

2. The case of the petitioner is that the property situated at Old No.18/5 New No.1, Block No.20, T.S.No.27, East Jones Road, Saidapet, Chennai - 600 015 is owned by his ancestors and now, he is in absolute possession and enjoyment of the same. His mother namely Mrs.Nagu @ Nagarathinam filed an A.S.No.314/1965



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against one Iyyavu Achari and his mother's title to the property was confirmed. In the meanwhile, one K.V.Sundaram tried to alienate the aforesaid property, the plaintiff namely Perumal filed the suit in O.S.No.159/1982 and the same was decreed in favour of the petitioner herein by the XV Assistant City Civil Court, dated 09.01.1985 and O.S.No.5062 of 1985, the same was decreed in favour of the petitioner by the XII Assistant City Civil Court, Chennai, dated 12.03.1987. After the demise of his parents, the legal heirs were in possession and enjoyment of the aforesaid property and also partitioned the property by way of partition deed in Doc.No.5112/2005 and also sold a portion of the property to his brother's son Somasundaram by way of Doc.No.3043/1991 and 1899/1991. While so, one Viswanathan tried to grab the property and created forged document and tried to dispose the property. In this regard, the petitioner lodged a police complaint and the aforesaid Viswanathan warned by the police authorities. But when the petitioner went to their native place, the said Viswanathan again trespassed into the petitioner's property, cut down the trees, cleaned the land and sold the same to one Om Prakash, S/o. K.V.Sundaram through his sons V.Balaji and V.Sathis by altering the Survey Number as 27/1 instead of 27 by way of Document Nos.7477 and 7478 of 2012 and 6424/2016 and the said persons grabbed the petitioner's property. However, the petitioner made a representation to the authorities to cancel the patta issued on 22.09.2019, which was issued illegally and fraudulently and also unlawfully transferred the property into their names based on the forged documents. In this connection, his brother's son namely Somasundaram also filed W.P.No.1238/2019, this Court directed the respondent/Revenue Divisional Officer to dispose of the representation within four weeks, by order dated 22.09.2019. But the respondents have not taken any steps to dispose of the appeal sent by the petitioner. Hence, the petitioner made a representation dated 29.12.2018 to the respondent herein by way of appeal to cancel the patta issued to the respondents 2 and 3, no action has been taken by the respondent till date. Hence, the petitioner has come forward with the present writ petition under the Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 29.12.2018 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the



present writ petition, the Writ Petition is disposed of, with a direction to the 1st respondent to consider the petitioner's representation dated 29.12.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of two months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gba/msm

To

The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Mambalam Taluk, Chennai-600 078.

+1cc to Mr.A.Suresh, Advocate, S.R.No.47378

+1cc to the Government Pleader, S.R.No.47880

W.P.No.19648 of 2021

RSI (CO)
RGA(12/10/2021)