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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.30346 of 2013

and

M.P.No.1 of 2013

V.Prakashlal

...Petitioner

Vs

1. The District Collector,
Chennai District,
Chennai-1.

2. The Tahsildar,
Perambur-Purasawalkam Taluk Office,
Perambur, Chennai-600 011.

3. Yogesh Jayanthilal Shah

4. Maghna Girish Shah

5. Megul Girish Shah

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 16.09.2013 regarding cancellation of the impugned patta in C.A.No.1292/2008, dated 15.12.2008 in respect of property in T.S.No.3135/42, measuring 0.06 sq. mtrs. in Block No.53, Purasawalkam Village, Purasawalkam-Perambur Taluk, Chennai District.

For Petitioner : M/s.R.Lavanya
for Mr.R.Munuswamy

For RR1 & 2 : Mr.M.R.Gokul Krishnan
Government Advoate

For RR3 to 5 : No appearance

ORDER

This writ petition is filed to issue a Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 16.09.2013 regarding cancellation of the



impugned patta in C.A.No.1292/2008, dated 15.12.2008 in respect of property in T.S.No.3135/42, measuring 0.06 sq. mtrs. in Block No.53, Purasawalkam Village, Purasawalkam-Perambur Taluk, Chennai District.

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2. The learned counsel who appeared for the respondents 3 to 5 earlier, reported no instruction on behalf of the respondents 3 to 5 and also submitted that he has already given change of vakalat to the respondents 3 to 5.

3. On perusal of the representation sent by the petitioner, revealed that it is for seeking cancellation of patta issued on 15.12.2008. However, the second respondent has no jurisdiction to cancel the patta issued by the same office.

4. Therefore, the petitioner is directed to file an appeal as against the issuance of patta in C.A.No.1292/2008, dated 15.12.2008 before the Revenue Divisional Officer as contemplated under Section 12 of the Tamilnadu Patta Passbook Act, 1983 within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the Revenue Divisional Officer is directed to issue notice to the petitioner and the respondents 3 to 5 herein and after giving them opportunity of hearing and pass orders on merits and in accordance with law.

5. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Chennai District, Chennai-1.

2. The Tahsildar,
Perambur-Purasawalkam Taluk Office,
Perambur, Chennai-600 011.

+2ccs to M/s.R.Munuswamy, Advocate, Sr.52232,52301

+1cc to the Government Pleader, Sr.52750

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AD[co]

NSK 02/11/2021