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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.35965 of 2015 and M.P.No.1 of 2015

S.Mohanraj

...Petitioner

-Vs-

1 The Tahsildhar
Madavaram Taluk Chennai

2 Divisional Deputy Tasildhar
Madavaram Taluk Chennai

3 Revenue Divisional Officer
Madavaram Taluk Chennai

4 Jeganath

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of patta No.10431 issued by 2nd respondent in favour of 4th respondent as illegal and quash the same and by considering the Petitioners representation dated 19.03.2015.

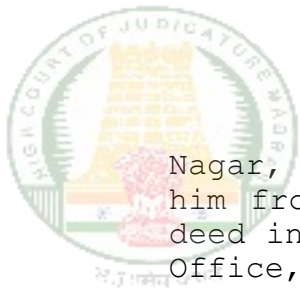
For Petitioner : No Appearance

For Respondents : Mrs.Akila Rajendran,
Govt.Counsel for RR 1 to 3
No appearance - for R4

O R D E R

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records of patta No.10431 issued by 2nd respondent in favour of 4th respondent as illegal and quash the same and by considering the Petitioners representation dated 19.03.2015.

2. The case of the petitioner is that, the property situated at Survey No.73/16 in Patta No.71 to the extent of 2632 Sq.ft at Old No.63, New No.57, Putthagaram Village, Jayalakshmi



Nagar, Ambattur Taluk, Tiruvallur District had been purchased by him from one Meeramma in the year 2007 through registered sale deed in Document No.1825 of 2007 registered at the Sub Registrar Office, Ambattur.

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3. The petitioner is able to trace the title from number of his predecessors-in-title and ultimately in the year 2007, he claimed to have purchased the property and has been in possession and enjoyment of the same. When that being so, some third parties, in the guise of purchasing the adjacent properties, seems to have claimed that, they also purchased a part of the property belonging to the petitioner and in that guise, they seems to have obtained patta in Patta No.10431 from the first respondent Tahsildar office and in order to cancel the said patta and issue patta in favour of the petitioner in respect of the property referred to above, which is the absolute property of the petitioner, he has given a representation by way of an appeal on 19.03.2015 to the third respondent ie., Revenue Divisional Officer, Madhavaram Taluk, Chennai and the said representation / appeal since has not been considered and decided, the petitioner has filed the present writ petition with the aforesaid prayer.

4. When the case is called there is no representation for the petitioner. However, the aforesaid facts as projected in the affidavit filed in support of the writ petition as well as in the representation / appeal dated 19.03.2015 have been noted.

5. Heard Ms.Akila Rajendran, learned Government Counsel appearing for the official respondents, who would submit that, if at all patta in respect of the property has been issued to any third party as alleged by the petitioner and in this regard if he has given any representation to the Revenue Divisional Officer concerned on 19.03.2015, that representation can be considered as an appeal or if he has already filed an appeal and it is pending before the Revenue Divisional Officer concerned, the same would be considered on merits and in accordance with law. Therefore, the question of quashing the order granting patta in favour of any third party does not arise. Hence, the prayer sought for in this writ petition cannot be granted and the representation of the petitioner dated 19.03.2015 alone can be considered by the third respondent as appellate authority on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. I have considered the submissions made by the learned counsel appearing for the Government and perused the materials placed on record.

7. As has been rightly pointed out by the learned



Government Counsel appearing for the respondents, if at all the petitioner has got any grievance over the issuance of patta in Patta No.10431 in favour of any third party pertaining to the property claimed to be the petitioner's property as against which appeal shall be filed before the Revenue Divisional Officer and in this case, on 19.03.2015 such an appeal by way of representation has been filed. When that being so, the petitioner cannot directly challenge the patta issued in Patta No.10431 by the second respondent in favour of the fourth respondent and therefore, the said patta cannot be cancelled by this Court at this juncture. However, at the same time the appeal filed by the petitioner by way of a representation dated 19.03.2015 against the issuance of patta in favour of the fourth respondent can very well be directed to be considered and final orders to that effect can be directed to be passed within a time frame that may be stipulated by this Court.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

That there shall be a direction to the third respondent to consider the representation of the petitioner dated 19.03.2015 as against Patta No.10431 issued by the second respondent to and in favour of the fourth respondent by considering the said representation as an appeal within the meaning of the provisions of the Patta Passbook Act and after hearing the petitioner as well as the fourth respondent and any other parties who have claim over the property in question, which is covered under the patta, final orders shall be passed by the third respondent within a period of three months from the date of receipt of a copy of this Court.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS)

True Copy

Sub-Assistant Registrar

KST



To

- 1 The Tahsildhar
Madavaram Taluk Chennai
- 2 Divisional Deputy Tasildhar
Madavaram Taluk Chennai
- 3 Revenue Divisional Officer
Madavaram Taluk Chennai

+1cc to the Government Pleader, S.R.No.31175

W.P.No.35965 of 2015

PCH(CO)
SU(29/07/2021)