



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.6617 of 2013

K.Venkatesan

... Petitioner

Vs.

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Revenue Divisional Officer,
Tiruvannamalai.

3.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai.

4.Rajan

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to issue cancellation of patta purportedly standing in the name of 4th respondent in respect of S.No.39/1B - 40 3/4 cents out of 1.78 acres situate at Chinnakangeyanur village, Tiruvannamalai Taluk, pursuant to the proposal for cancellation issued by the 3rd respondent to the 2nd respondent in his letter No.G1/7785/2012 dated 20.3.2012 and thereby issue fresh patta to the petitioner after making suitable sub divisions in the property S.No.39/1B.

For Petitioner : Mr.N.Suresh

For Respondents 1to 3: Ms.Akila Rajendran
Counsel for Government

For 4th Respondent : No appearance

ORDER

The prayer sought for herein is for a writ of mandamus directing the second respondent to issue cancellation of patta



purportedly standing in the name of fourth respondent in respect of S.No.39/1B - 40 3/4 cents out of 1.78 acres situate at Chinnakangeyanur Village, Tiruvannamalai Taluk, pursuant to the proposal for cancellation issued by the third respondent to the second respondent in his letter No.G1/7785/2012 dated 20.3.2012 and thereby issue fresh patta to the petitioner after making suitable sub divisions in the property S.No.39/1B.

2.In respect of certain lands i.e., Survey No.39/1A, 1B and 46/2B at Chinna Kangiyanur Village, Tiruvannamalai Taluk and District, there has been a dispute between the petitioner and the fourth respondent. In this context, patta had been issued in favour of the fourth respondent. Felt aggrieved over the same, in order to cancel the said patta, the petitioner though made a vain attempt before the third respondent had approached this Court for filing writ petition in W.P.No.29882 of 2011 wherein, the learned Judge of this Court passed an order dated 22.12.2011 directed the Tahsildar to pass orders on the request of the petitioner with regard to his prayer for cancellation of patta issued in favour of the fourth respondent.

3.After the said order having been passed and pursuant to the same and in order to execute the same, it seems that the files have been verified by the Tahsildar, who after verified the same, come to the conclusion that patta has already been issued in favour of the fourth respondent and the same cannot be directly cancelled by the third respondent Tahsildar himself, instead since the power is vested with the Appellate Authority, i.e., Revenue Divisional Officer under the provisions of the Patta Passbook Act, he has sent a request on 20.03.2012, where, he has stated the following:

"In this issue one Thiru.Ramamurthy S/o.Sennakesavalu power of attorney Agent K.Venkatesan has filed a writ petition in WP.No.29882/2011 stating that the above properties are belonged to me and the properties are purchased by him from Tmt.Stella Devakumari (alias) Vijayalakshmi in the year 2011.

Hence in the circumstances stated above that the properties has already been transfer patta in the name of K.Rajan now again the patta transfer orders could not be transferred to Thiru.K.Venkatesan. Hence it is submitted necessary cancellation of patta transfer order may be issued for taking further action in this matter. The connected 8A files are sent herewith for perusal and return.



WEB COPY

I also request that the receipt of the above 8A files may kindly be acknowledged.

Yours faithfully,

TAHSILDAR,
TIRUVANNAMALAI"

4.Though such a request has been made by the third respondent Tahsildar to the second respondent as early as on 20.03.2012, no orders have been passed by the second respondent Revenue Divisional Officer and since the same was kept pending for longer period, this writ petition was filed in the year 2013 with the aforesaid prayer.

5.When the case is taken up for hearing, the learned counsel appearing for the petitioner, on instruction, would submit that even till date, no orders have been passed by the second respondent on the request made by the third respondent dated 20.03.2012, therefore he seeks a suitable direction to the second respondent to act upon and pass orders thereon.

6.I have heard Mr.Richardson Wilson, learned counsel for Government appearing for the official respondents, who would submit that, if at all the third respondent has already made a request on 20.03.2012, as stated above, to the second respondent with regard to cancellation of patta already given in favour of the fourth respondent, that would be enquired into and accordingly if need arises after hearing both petitioner as well as the fourth respondent, a suitable order to that effect would be passed by the second respondent Revenue Divisional Officer within a time frame that may be stipulated by this Court.

7.There is no representation for the fourth respondent.

8.In view of the said submission made by learned counsel appearing for the petitioner as well as the official respondents and by taking into account the aforesaid factual matrix, this Court is inclined to dispose of this writ petition with the following orders.

That there shall be a direction to the second respondent Revenue Divisional Officer to act upon on the request made by the third respondent Tahsildar on 20.03.2012 in Letter No.G1/7785/2012 and in this regard, if the second respondent desires to hear both petitioner and fourth respondent, separate notices be given to them and after hearing them and by taking into account the request made by the third respondent



as referred to above, a final order to that effect shall be passed by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.

WEB COPY

9. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

Sgl
To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Revenue Divisional Officer,
Tiruvannamalai.

3. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai.

+1 CC to The Government Pleader sr 29565.

W.P.No.6617 of 2013

LN (CO)
SP (19/07/2021)