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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.13966 of 2021

R.Usha

...

Petitioner

-Vs-

1. The District Collector
O/o. The District Collectorate,
Chengalpet District,
Chengalpet.
2. The District Revenue Officer
O/o. The Chengalpet District Collectorate,
Chengalpet.
3. The Revenue Divisional Officer
O/o. The Revenue Divisional,
Chengalpet.
4. The Tahsildar
Chengalpet Taluk Office,
Chengalpet District.
5. Purushothaman

... Respondents

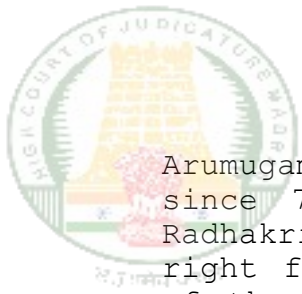
Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second and third respondent to consider the petitioner's representation, dated 26.04.2021 and consequently issue a fresh patta to the petitioner herein.

For Petitioner	:	Mr.K.Anandhu
For Respondents	:	Mr.Yogesh Kannadasan
		Government Advocate for R1 to R4

O R D E R

The prayer sought for herein is for a writ of mandamus, directing the second and third respondent to consider the petitioner's representation, dated 26.04.2021 and consequently issue a fresh patta to the petitioner herein.

2. It is the case of the petitioner that, in S.No.33/5 in Mandapamtheru, Singaperumal, Chengalpet Taluk and District, the corresponding New S.No.74/15, the petitioner's grand father one



Arumugam has been in possession and enjoyment of the property since 70 years back. Thereafter the petitioner's father one Radhakrishnan had inherited the property, i.e., the possessory right from his father and after Radhakrishna, i.e., the father of the petitioner, the petitioner claim to have inherited the property for possessory right.

3. It is the further case of the petitioner that, the land in question is a Grama Natham, therefore as per the Natham Survey Settlement, the petitioner is entitled to get patta for the Natham land, where the petitioner and his forefathers had been in possession and enjoyment of the property for nearly about 7 decades. In this regard, it is the further grievance of the petitioner that, however, recently a joint patta in Patta No.352 had been issued by the Revenue Department to various individuals, including the fifth respondent herein and by thus, the entitlement of the petitioner to get patta for the Natham land, where the petitioner and his forefathers had been in continuous possession and enjoyment is getting defeated.

4. Therefore in order to cancel the patta and to issue a separate patta in the name of the petitioner for the land which was in possession of the petitioner and his forefathers, the petitioner had given a representation on 26.04.2021 and the said representation given to the first respondent since has not been considered, he has filed this writ petition with the aforesaid prayer.

5. Heard, Mr.K.Anandhu, learned counsel appearing for the petitioner who has reiterated the aforesaid and seeks indulgence of this Court.

6. Heard, Mr.Yogesh Kannadasan, learned Government Advocate appearing for the official respondents who would submit that, if at all any such representation was given to the first respondent, District Collector on 26.04.2021, the same would be considered on merits and in this regard after giving an opportunity to the petitioner as well as the fifth respondent or any other rival claimant, the needful would be done by deciding the said representation on merits within the time frame stipulated by this Court.

7. I have considered the said submissions made by the learned counsel appearing for the parties and in view of the aforesaid and by taking into account the innocuous nature of the prayer sought for herein, this Court is inclined to dispose of this writ petition with the following order :

"There shall be a direction to the first respondent, District Collector, to consider the representation of the petitioner, dated



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26.04.2021 and decide it on merits and in accordance with law, after giving an opportunity of being heard to both the petitioner as well as the fifth respondent or any other third party who makes any claim over the property in question and accordingly, pass final orders within a period of Eight weeks from the date of receipt of a copy of this order."

8. With this direction, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

tsvn

To

1. The District Collector
O/o. The District Collectorate,
Chengalpet District,
Chengalpet.
2. The District Revenue Officer
O/o. The Chengalpet District Collectorate,
Chengalpet.
3. The Revenue Divisional Officer
O/o. The Revenue Divisional,
Chengalpet.
4. The Tahsildar
Chengalpet Taluk Office,
Chengalpet District.

+1cc to The Government Pleadaer, SR No. 32140

W.P.No.13966 of 2021

PCH(CO)
B.VC (04/08/2021)