



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 6.8.2021.

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.13373 of 2019
and
W.M.P.No.13482 of 2019

D.Venkatesan

..Petitioner

vs.

1. The Collector,
District Collector Office,
Kancheepuram,
Kancheepuram District 631 501.
2. Tahsildar,
Madurantakam Taluk,
Kancheepuram District 631 501.
3. Parvathi

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus directing the second respondent to consider the petitioner's representation letter dated 16.10.2018 and to grant patta in his name for Survey No.563/8 = 0.622 sq.mtrs in Pazhayanoor Village now stealthily changed by the third respondent to her name in Gramanatham Survey No.563/9, 563/10, Pazhayanoor Village, Madurantakam Taluk as mentioned in detail in the Schedule of the petition after due enquiry within the specified time.

For Petitioner : Mr.T.V.Krishnamachari

For RR1 and 2 : Mr.K.M.D.Muhilan, Government Advocate

ORDER

The writ petition has been filed seeking a direction in the nature of writ of mandamus to the second respondent to consider the petitioner's representation dated 16.10.2018 and consequently grant patta to the writ petitioner herein with respect to the land in Survey No.563/8 measuring 0.622 sq.mtrs in Pazhayanoor Village which is gramanatham land in old survey No.263 in Maduranthakam Taluk.



2. It is stated that the third respondent Parvathi had originally instituted a suit in O.S.No.421 of 1993 before the District Munsif Court at Madurantakam. The suit was decreed on 24.4.1996. Thereafter, the writ petitioner herein had filed A.S.No.22 of 1996 before the Sub Court at Chingleput which reversed the said decree passed by the Trial Court and dismissed the suit by judgment dated 4.10.1996. The third respondent herein, then, filed S.A.No.345 of 1997 before this court and the said Second Appeal was also dismissed by judgment dated 21.2.2007.

3. It is stated by Mr.T.V.Krishnamachari, learned counsel for the petitioner that the third respondent appears to have stealthily included her name in the patta which had necessitated filing of the present writ petition. The grievance of the writ petitioner is that though a representation was made in this regard, no effective steps have been taken by the second respondent Tahsildar, Madurantakam Taluk.

4. The second respondent, Tahsildar, Madurantakam is directed to consider the petitioner's representation dated 16.10.2018. The petitioner may also give a fresh copy of the representation within a period of two weeks from today to the said Tahsildar and on receipt of the same, the Tahsildar, after following due procedure and the principles of natural justice and also after enquiring the petitioner herein in connection with the documents relied on by him and also after examining the revenue records and thereafter, if there is no obstruction for granting patta in favour of the petitioner, grant patta to the petitioner. I am confident that the Tahsildar will give notice to the third respondent and hear her also before taking any decision. This exercise shall be completed by the Tahsildar within 12 weeks from the date of receipt of fresh representation enclosing a copy of his representation dated 16.10.2008. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Collector,
District Collectorate Office,
Kancheepuram,
Kancheepuram District 631 501.



2. Tahsildar,
Madurantakam Taluk,
Kancheepuram District 631 501.

+2ccs to Mr.T.V.Krishnamachari, Advocate, S.R.No.38968

+1cc to the Government Pleader, S.R.No.39476

W.P.No.13373 of 2019
and
W.M.P.No.13482 of 2019

SR(CO)
KM(11/08/2021)