

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.20026 of 2020

The Order of the Servants of Mary
Rep by its Secretary Fr.Francis Xavier OSM
Jothi Matha Aalayam
No.5/301, Matha Koil Street
Rajeev Gandhi Road
Okkiyampet
Chennai - 600 097.

...Petitioner

Vs.

1. The District Collector
Chennai District
Chennai.
2. The Tahsildar
Shozinganallur Taluk
Chennai District.
3. The Regional Deputy Commissioner (South)
Corporation of Greater Chennai
Dr.Muthulakshmi Salai
Adyar, Chennai - 600 020.

4. N.Mani
5. N.Ramachandran
6. N.Jothi
7. N.Kumar @ Jayakumar
8. Parimala

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2, particularly the second respondent to cancel the patta No.9219 issued in favour of the respondents 4 to 8, including the deceased Chockammal

exclusively, affecting the right of way to and fro from the Village Road (preently called as Pillaiyar Koil Street) to Madha Koil Church, situated at No.148, Okkiyamthoraipakkam Village, Sozhinganallur Taluk (formerly Tambaram Taluk and Kancheepuram District), Chennai District, available to the petitioner.

For Petitioner : Mr.R.Thanjan
For Respondents : Mr.S.N.Parthasarthy
Government Advocate [R1 & R2]
Mr.M.Ganesan [R3]

ORDER

The present petition is filed seeking cancellation of patta issued in the names of respondents 4 to 8 by the second respondent.

2.Mr.S.N.Parthasarathy, learned Government Advocate appearing for the respondents 1 and 2 submitted that the petitioner ought to have moved the Revenue Divisional Officer (South Chennai), who is the Competent Authority for considering any request for cancellation of patta.

3. Without getting into the merits of the controversy raised, this Court now requires the petitioner to file a fresh representation for the prayer now sought in this writ petition before the Revenue Divisional Officer (South Chennai), within a period of fifteen (15) days from the date of receipt of a copy of this order. On receipt of such representation, the Revenue Divisional Officer shall hold enquiry after issuing notices to all the parties who are likely to be affected by the order he/she might pass and after holding an enquiry, and providing a fair and effective hearing, dispose of the matter through a speaking order within a period of three months thereafter, in accordance with law.

4. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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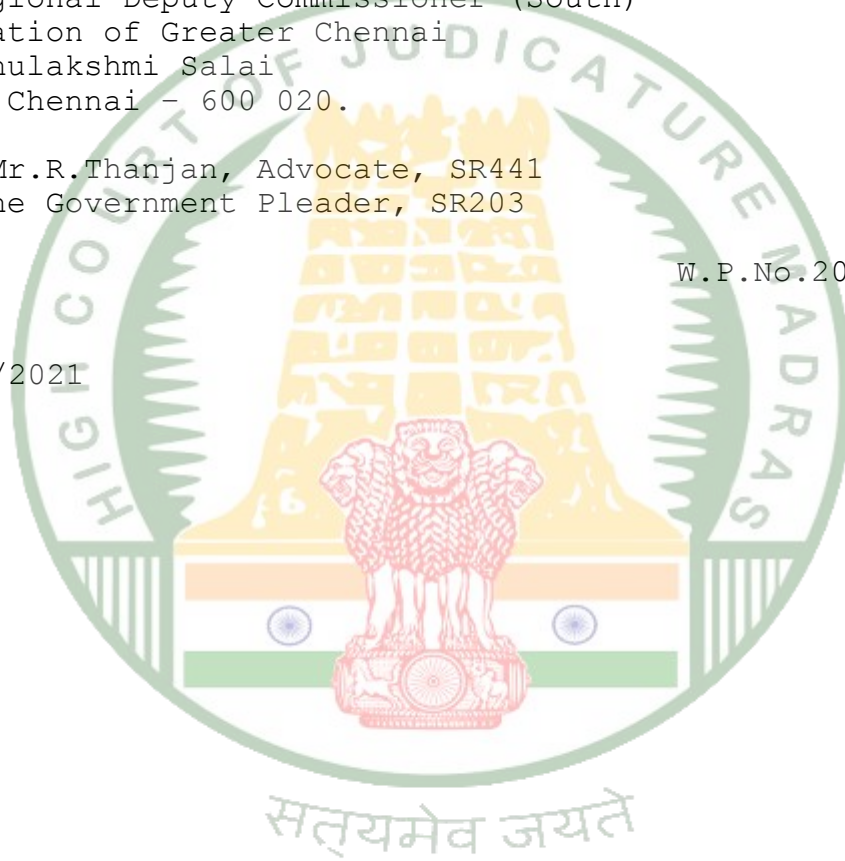
To:

1. The District Collector
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2. The Tahsildar
Shozinganallur Taluk
Chennai District.
3. The Regional Deputy Commissioner (South)
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Dr.Muthulakshmi Salai
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+1cc to Mr.R.Thanjan, Advocate, SR441
+1cc to The Government Pleader, SR203

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CO (JP)
BDL/11/01/2021



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