



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.17326/2021

[Video Conferencing]

Habibivi

... Petitioner

Versus

1. The District Collector
Thiruvallur District.
2. The Revenue Divisional Officer
Ponneri Revenue Division,
Tiruvallur District.
3. The Tahsildar
Gummidipoondi Taluk
Tiruvallur District.
4. Paththi Muthu

... Respondents

Prayer : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to consider the petitioner's representation dated 12.09.2019 for cancellation of the illegal patta issued in the name of the 4th respondent and pass orders to restore the patta in the petitioner's name in respect of survey No.41/4B1 and extent of 2.50 ares, survey No.44/7B an extent of 02.00 ares totally an extent of 4.50 ares at Chinna Obulapuram Village, Gummidipoondi Taluk Thiruvallure District.

For Petitioner : Mr. D.Kumaralingam

For RR 1 to 3 : Mr.Yogesh Kannadasan
Government Advocate

ORDER

- (1) Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondents 1 to 3.



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- (2) The writ petition has been filed in the nature of a mandamus seeking consideration of a representation dated 12.09.2019 which had been given by the petitioner to the 2nd respondent/Revenue Divisional Officer, Ponneri Revenue Division, in Tiruvallur District.
- (3) I am afraid that such a direction cannot be given. But, I would however modify and redirect the said representation to be considered by the 3rd respondent/Tahsildar, Gummidipoondi Taluk in Tiruvallur District.
- (4) In view of the nature of the order to be passed in this writ petition, notice to the 4th respondent is dispensed with.
- (5) The petitioner has a grievance. He seeks to cancel the patta which had been issued in the name of the 4th respondent by the 3rd respondent. That was in the year 2002. Normally, if the proceedings had been conducted in the presence of both parties, then such an order would be an appealable order before the Revenue Divisional Officer. The petitioner cannot, at this stage, file an appeal.
- (6) But, however to examine the grievance raised by the petitioner, a fresh copy of the said representation may be given to the 3rd respondent / Tahsildar who may issue notice to the petitioner, issue notice to the 4th respondent and hear both the parties and thereafter take a considered decision whether to revisit his order, granting patta to the 4th respondent or not?
- (7) In view of the fact that a direction is placed on the 3rd respondent to issue notice to the 4th respondent, notice in the present writ petition is dispensed with insofar as the 4th respondent is concerned.
- (8) The petitioner may give a fresh copy of the said representation to the Tahsildar within a period of three weeks from the date of receipt of a copy of this order and thereafter, the 3rd respondent may enquire in the aforesaid manner and pass necessary orders within a period of twelve further weeks.
- (9) With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

AP



To

1. The District Collector
Thiruvallur District.
2. The Revenue Divisional Officer
Ponneri Revenue Division,
Tiruvallur District.
3. The Tahsildar
Gummidipoondi Taluk
Tiruvallur District.

+1cc to the Government Pleader, S.R.No.42080

WP.No.17326/2021

KSM(CO)
SU(09/09/2021)