



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 17561 of 2021

G.Purushotaman

...Petitioner

Versus

1.The District Collector,
Singaravelan Maligai,
Chennai Collector Office, Chennai -1.

2.The Revenue Divisional Officer (RDO),
Revenue Divisional Office,
South Divisional Office at Guindy,
Guindy, Chennai - 600 032.

3.The Tahsildar,
Shollinganallur Taluk Office,
Shollinganallur, Chennai - 600 119.

4.P.Saravanan

5.P.Sathish

...Respondents

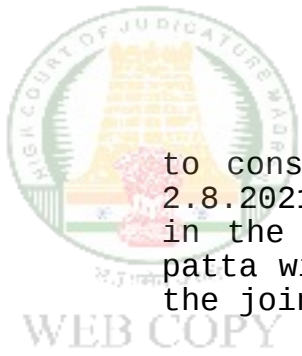
Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider and dispose the representation dated 19.7.2021 and 2.8.2021 by cancelling the patta issued in patta No.187 issued in the name of Saravanan and Sathish and any other subsequent patta with regard to the property and also to issue new patta in the joint names of the petitioner and the rightful legal heirs.

For Petitioner : Mr.C.Russel Raj
M/s.R.Shrilekha

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

ORDER

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3



to consider and dispose the representation dated 19.7.2021 and 2.8.2021 by cancelling the patta issued in patta No.187 issued in the name of Saravanan and Sathish and any other subsequent patta with regard to the property and also to issue new patta in the joint names of the petitioner and the rightful legal heirs.

2. The case of the petitioner is that the property in Survey No.81, area about 5 cents is a Grama Natham at No.2/114, Gangai Amman Koil Street, Thuraipakkam, Chennai - 97, the said property is an ancestral property, which has been in possession and enjoyment of the same. The property did not have any registered document or patta or any kind of revenue records. He has house tax, electricity connection and other revenue records stood in his name. In the meanwhile, as per the Government Policy, the Government has decided to issue patta to the persons who are living in Grama Natham property. Without the petitioner's knowledge, the respondents 4&5 obtained an illegal Patta No.187 in their names, in Survey No.444/2, dated 25.02.2011 in favour of them. The then, the Taluk Surveyor, Shollinganallur Taluk, issued a notice dated 13.07.2021, stating that the date was fixed on 15.07.2021 to measure the aforesaid land. Thereafter, the petitioner has approached the Village Administrative Officer, Thuraipakkam Village, and came to know that the patta for the said property was obtained only in the name of the respondents 4&5 and the same was sub divided as 444/2B. On 13.07.2021, while he was checking online in respect of the status of the land comprised in Old Survey No.81, New Survey No.444/2 to the extend of 02.13 sqm., and it was found that the sub division was made in the said Survey No.444/2B for the said land and Patta No.187, was also issued in name of the respondents 4&5 namely Saravanan and Sathish. Thereafter, he sent a representation to the respondents 1&3, dated 19.07.2021 and also second respondent dated 02.08.2021, requesting them to conduct an enquiry into the matter and take action against the respondents 4&5 and to cancel the Patta No.187 already granted in favour of the respondents 4&5 herein, and issue a new patta in the joint names of rightful legal heirs who are eligible to inherit the property. In this regard, no action has been taken by the respondents 1 to 3 till now. Hence, the petitioner has come forward with the present writ petition before this Court seeking for appropriate relief.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the Respondents to consider the petitioner's representations dated 19.07.2021 and 02.08.2021 and dispose of the same within a stipulated time that may be fixed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and



taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents 1 to 3 to consider the petitioner's representations dated 19.07.2021 and 02.08.2021 and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

msm

To

1.The District Collector,
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Chennai Collector Office, Chennai -1.

2.The Revenue Divisional Officer (RDO),
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South Divisional Office at Guindy,
Guindy, Chennai - 600 032.

3.The Tasildar,
Shollinganallur Taluk Office,
Shollinganallur, Chennai - 600 119.

+2ccs to Mr.C.Russel Raj, Advocate SR.No.42477, 42136

+1cc to the Government Pleader, SR.No.42312

W.P.No. 17561 of 2021

PMK(CO)
RVM(24/09/2021)