



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.23422 OF 2021

K.Dhamodaran

... Petitioner

.Vs.

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The District Revenue Officer,
District Collector Campus,
Kancheepuram District
3. The Tahsildar,
Uthiramerur Taluk Office,
Uthiramerur Taluk,
Kanchipuram District.
4. Muniyammal
5. Krishnaveni
6. P.Kumaran

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to consider and dispose of the petitioner's representation dated 29.03.2021 for modification of patta which was issued in the name of the respondents 4 to 6 by the 3rd respondent in his proceedings in 2019/0103/03/151009 dated 30.06.2019 and grant the separate patta in the name of petitioner and his brother namely, K.Prabhakaran for land measuring an extent of 3 acre and 59 cents in S.No.161/2L2A of Paleswaram village, Uthiramerur Taluk, Kanchipuram District.

For Petitioner : Mr.A.Ilyaperumal
For Mr.R.Rajeshkrishnan

For Respondents : Mr.Yogesh Kannadasan
Government Advocate



O R D E R

The present Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to consider and dispose of the petitioner's representation dated 29.03.2021 for modification of patta which was issued in the name of the respondents 4 to 6 by the 3rd respondent in his proceedings in 2019/0103/03/151009 dated 30.06.2019 and grant separate patta in the name of petitioner and his brother namely, K.Prabhakaran for land measuring an extent of 3 acres and 59 cents in S.No.161/2L2A of Paleswaram village, Uthiramerur Taluk, Kanchipuram District.

2. The case of the petitioner is that initially, petitioner's father, namely, Kuppan was the absolute owner of the land measuring an extent of 3 Acres and 59 Cents in S.No.161/2L2A of Paleswaram village, Uthiramerur Taluk, Kanchipuram District and the same was obtained by way of Sale deed dated 05.06.1966 vide Doc.No.1081 of 1966 and patta was also issued. The petitioner's father had availed loan from Agricultural Service Co-operative Society by pledging the said property and also repaid the loan. Thereafter, the 3rd respondent issued patta in the name of the petitioner. When the petitioner approached VAO and the 3rd respondent, at that time, it came to light that the name of the private respondents were included in Patta No.307 through proceedings dated 30.06.2019. Further, the petitioner personally approached the 3rd respondent and requested to remove the name of the respondents 4 to 6 and the same was not considered, hence the petitioner has sent a representation dated 29.03.2021 to the 2nd respondent. The 2nd respondent has forwarded the same through his proceedings O.Mu.5702/2021/B4 to the 3rd respondent and no action is taken on the same till date by 3rd respondent, hence the petitioner has come forward with this petition.

3. The learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the third respondent to consider the representation dated 29.03.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents 1 to 3, on instructions from the officer of the respondents/Department submitted that a direction may be issued to the respondents to consider the representation of the petitioner and twelve weeks time may also be granted to the 3rd respondent to consider the same.

5. 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 3rd respondent to consider the representation of the petitioner dated 29.03.2021 by holding an enquiry after issuing notice to the parties concerned and if any case is made out by the petitioner, the authorities are directed to pass appropriate orders, on merits and in accordance with law within a period of twenty weeks from the date of receipt of a copy of this order. However, it is made clear that this order will not grant any right of title to the petitioner. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The District Revenue Officer,
District Collector Campus,
Kancheepuram District.
3. The Tahsildar,
Uthiramerur Taluk Office,
Uthiramerur Taluk,
Kanchipuram District.

+1cc to Mr.A.Ilyaperumal, Advocate, S.R.No.55712
+1cc to the Government Pleader, S.R.No.56619

W.P.NO.23422 OF 2021

AD(CO)
PBS/07/12/2021