



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.24220 OF 2021

D.Muruganandam

... Petitioner

-Vs-

1. The District Collector,
Kancheepuram District.

2. The Revenue Divisional Officer,
Kancheepuram District.

3. The Tahsildar,
Kancheepuram Taluk,
Kancheepuram,
Kancheepuram District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to conduct appropriate enquiry to cancel the Patta Nos.601, 741 and 1526 issued in respect of the land in Survey No.389/2 of Sevelimedu Village, Kancheepuram Taluk, as per the direction issued by the first respondent in (i) Oo.Mu.12169/2020/A1 dated 28.08.2020 and (ii) Na.Ka.No.464/2021/A1 dated 18.01.2021.

For Petitioner : Mr.N.Senthilkumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to conduct appropriate enquiry to cancel the Patta Nos.601, 741 and 1526 issued in respect of the land in Survey No.389/2 of Sevelimedu Village,



Kancheepuram Taluk, as per the direction issued by the first respondent in (i) Oo.Mu.12169/2020/A1 dated 28.08.2020 and (ii) Na.Ka.No.464/2021/A1 dated 18.01.2021.

2. Heard, Mr.N.Senthilkumar, learned counsel appearing for the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that his father executed a settlement deed dated 23.01.2014 registered vide document No.314 of 2014 in favour of his brothers and the petitioner. As per the settlement deed, his father settled various properties including the land comprised in Survey No.389/2 ad-measuring 88 cents of land. Thus, the total 46 cents of property comprised in Survey No.389/2 was settled by his father by way of 2 settlement deeds dated 30.08.2007 and 23.01.2014. The petitioner and his brothers are in possession and enjoyment of the said property. However, his father's brother one Govindaraj has got 25 cents as per the partition deed took place in the year 1967. After his demise, his sons have created various documents and obtained patta in their favour in respect of the total extent of 88 cents comprised in Survey No.389/2. Therefore, the petitioner made an application before the respondents to modify the patta issued in favour of his father's brothers sons. On receipt of the same, the first respondent directed the third respondent by the communication dated 28.08.2020 to conduct enquiry and report. The first respondent also directed the second respondent by another communication dated 18.01.2021 to conduct enquiry in this regard.

4. Considering the above, the third respondent is directed to conduct enquiry, after issuance of notice to the counter parties and after giving them an opportunity of hearing and pass 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.

5. With the above direction, the Writ Petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Lpp



To

1. The District Collector,
Kancheepuram District.
2. The Revenue Divisional Officer,
Kancheepuram District.
3. The Tahsildar,
Kancheepuram Taluk,
Kancheepuram,
Kancheepuram District.

+1cc to Mr.N.Senthilkumar, Advocate, S.R.No.58581
+1cc to the Government Pleader, S.R.No.59011

W.P.NO.24220 OF 2021

SVI (CO)
PBS/07/12/2021