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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.32939 of 2019

G.Amsaveni

...Petitioner

Vs.

1. The Tahsildar,
Pallavaram Taluk,
Kancheepuram District.
2. The Revenue Divisional Officer,
Pallavaram, Chennai - 600 043.
3. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
4. P. Prabhu
5. P. Pratheep

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 24.09.2019 within a time frame as may be fixed by this Court to cancel the joint patta issued in the name of the 4th and 5th respondent in Patta No.1012 dated 30.10.2015 and consequently, issue the patta in the name of the petitioner.

For Petitioner : Mr.G.V. Sridharan

For RR1 to 3 : Mr.V.Veluchamy
Government Advocate

For RR4 & 5 : Mrs.S. Jaya Pradap Babu



ORDER

This writ petition has been filed for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 24.09.2019 within a time frame as may be fixed by this Court to cancel the joint patta issued in the name of the 4th and 5th respondents in Patta No.1012 dated 30.10.2015 and consequently, issue the patta in the name of the petitioner.

2. The petitioner is a senior citizen and her husband had purchased the vacant land of 10 cents comprised in Survey No.23, Ayyapanthangal Village, Sriperambudur Taluku, Govindasamy Naidu from one Arumugam Maistry, registered as Document No.2992 of 1983 dated 22.09.1983 on the file of Joint Sub Registrar-I, Saidapet, Chennai - 15. After his demise, his legal heir of namely his wife and four others, the sons/legalheirs of the deceased have executed a Release Deed in favour of the petitioner vide Document No.9052 of 2010 dated 02.12.2010 on the file of the Joint Sub Registrar-I, Saidapet, Chennai 15 and the petitioner is in possession and enjoyment of the above said property. Subsequently, when the petitioner requesting for transfer of Patta in her name, she came to know that the respondents 4&5 herein had obtained Joint Patta No.1012, RPT No.1429/15, dated 30.10.2015. However, the third respondent/DRO wrongly issued the Patta in the name of the respondents 4&5 against the principals of natural justice. Therefore, she sent a representation to the respondents 1 to 5 dated 24.09.2019 to cancel the Patta wrongly issued in favour of the respondents 4&5, but the same was not considered. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents 1 to 3 to consider the petitioner's representation dated 24.09.2019 and dispose of the same within a stipulated time that may be framed 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 representation dated 24.09.2019 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the



petitioner and necessary parties concerned within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

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s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

gba/msm
To

1. The Tahsildar,
Pallavaram Taluk,
Kancheepuram District.
2. The Revenue Divisional Officer,
Pallavaram, Chennai - 600 043.
3. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

+1 CC to Mr.G.V. Sridharan, Advocate sr 52240.
+1 CC to The Government Pleader sr 53163.

W.P.No.32939 of 2019

PM(CO)
SP(02/12/2021)