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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.689 of 2022

C.Vasanthakumar

...

Petitioner

Vs

- 1.The Collector,
Tiruvallur District,
- 2.Revenue Divisional Officer,
Ponneri, Ponneri Taluk,
Tiruvallur District
- 3.The Tahsildar,
Ponneri,
Ponneri Taluk,
Tiruvallur District
- 4.D.Harish
- 5.D.Rajesh

...

Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1, 2 & 3 to dispose of the representation dated 03.01.2022 given by the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.P.Chandarsekar

For Respondents

For R1 to 3: Mr.A.M.Ayyadurai,
Government Advocate

ORDER

This writ petition is filed for direction directing respondents 1, 2 & 3 to dispose of the representation dated 03.01.2022 given by the petitioner within a time frame fixed by this Court.

2. Heard, Mr.P.Chandarsekar, the learned counsel for the petitioner and Mr.A.M.Ayyadurai, Government Advocate appearing for respondents 1 to 3.



3. The case of the petitioner is that the petitioner derived title over the subject property by the Will dated 10.04.1980 registered vide document No.22 of 1980 bequeathed by one, Mythili. The said Mythili executed Will in favour of the petitioner and his father. After her demise, his father filed suit for partition in CS.No.563 of 1981 and the same had been transferred to the file of the City Civil Court and renumbered as OS.No.3403 of 1997. However, the said suit was dismissed for default. While pending the suit, the legal heirs of one, late Dayalan also claimed title over the said property through the Will. The said Dayalan filed civil revision petition before this court challenging the decree and obtained interim stay. Now the apprehension of the petitioner is that on the strength of the interim order granted by this Court, respondents 4 & 5 are trying to cancel the patta issued in favour of the petitioner. After the interim order passed by this Court in CRP.No.2954 of 2021, so far respondents 4 & 5 have not filed any appeal before the authority concerned to cancel the patta issued in favour of the petitioner. Therefore, the representation submitted by the petitioner is pre-mature. In fact, the petitioner submitted representation before the first respondent and District Revenue Officer who has no jurisdiction to deal with the appeal for cancellation of patta. Therefore, the writ petition is devoid of merits and liable to be dismissed.

4. Accordingly, this writ petition is dismissed. However, if any appeal is filed by respondents 4 & 5 herein to cancel the patta issued in favour of the petitioner, the authority concerned is directed to issue notice to all the parties concerned and, after giving them opportunity of hearing, pass orders on merits and in accordance with law. No order as to costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Collector,
Tiruvallur District,

2.Revenue Divisional Officer,
Ponneri, Ponneri Taluk,
Tiruvallur District



3.The Tahsildar,
Ponneri,
Ponneri Taluk,
Tiruvallur District.

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+2cc to Mr.P.Chandrasekar, Advocate, S.R.No.3888
+1cc to the Government Pleader, S.R.No.4033

WP.No.689 of 2022

GPL (CO)
CB (02/02/2022)