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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.4444 of 2022

K.Selvaraj

...Petitioner

Vs.

1. The District Collector,
Tiruvallur District,
Tiruvallur-602 001.
2. The District Revenue Officer,
Tiruvallur District,
Tiruvallur 602105.
3. The Revenue Divisional Officer,
Tiruvallur, Tiruvallur District-602 105.
4. The Tashildar, Avadi Taluk Officer,
Avadi, Chennai-600 054.

5. B.Prabhakaran

6. M.Dakshinamoorthy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to cancel the Patta issued in favour of 5th respondent and 6th respondent, in the respect of Survey No.875/2G Thirumulaivoyal Village, Avadi Taluk, Tiruvallur District by dividing the same into Survey No.875/2PT (T.S.No.1/15) and 875/2PT (T.S.No.1/4) and consequently, direct the respondent authorities to restore the original ownership in all revenue records.

For Petitioner : Mr.V.Kumaresan

For Respondents : Mr.G.Nanmaran
Special Government Pleader



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to cancel the Patta issued in favour of 5th respondent and 6th respondent, in respect of Survey No.875/2G Thirumulaivoyal Village, Avadi Taluk, Tiruvallur District, by dividing the same into Survey No.875/2PT (T.S.No.1/15) and 875/2PT (T.S.No.1/4) and consequently, direct the respondents/authorities to restore the original ownership in all Revenue Records.

2.The learned Special Government Pleader takes notice for the official respondents. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

3.The case of the petitioner is that the petitioner is the owner of the property bearing Plot No.16, situated in "Mullai Nagar", Thirumullaivoyal Village, Ambattur Taluk, Thiruvallur District, comprised in Survey No.875/2, after sub-division of 875/2G. Subsequently, the land owner of the adjacent land in plot No.17, namely one Govindraaj created forged documents in respect of Plot No.16 and obtained Patta. Thereafter, the said Govindraaj executed a Sale Deed in favour of 5th respondent of an extent of 900 Sq.Ft and the remaining portion of the property was executed in favour of the 6th respondent of an extent of 1800 Sq.Ft. Hence, the petitioner made a representation to the respondents 1 to 3 on 07.09.2021 to cancel the forged Patta. However, till date no orders have been passed. Hence, this Writ Petition is filed.

4.The learned counsel for the petitioner submitted that it would suffice, if this Court issues a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 07.09.2021 in accordance with law and pass appropriate orders within a particular time frame that may be fixed by this Court.

5.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the official respondents and perused the entire materials available on record.

6.On a perusal of the entire materials available on record it is seen that the petitioner/Power Agent made a complaint in respect of the very same property in Survey No.875/2G in Plot No.16 alleging that the Patta was granted inadvertently in favour of one Govindraaj. The Tahsildar, after conducting an enquiry sent a report to the Revenue Divisional Officer dated 26.04.2021 stating that one Govindraaj constructed a compound



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wall in respect of Survey No.875/2G, thereby, the Patta was cancelled. Subsequently, the petitioner claimed that S.No. 87/2 is granted in favour of 6th respondent. This Court perused the title deed in Survey No.87/2G belonging to the petitioner. However, no records are produced by the petitioner with respect to Survey No.875/2 to show that the property belongs to the petitioner. Hence, this Court cannot issue any direction to consider the petitioner's representation.

7. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to work his remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The District Collector,
Tiruvallur District,
Tiruvallur-602 001.
2. The District Revenue Officer,
Tiruvallur District,
Tiruvallur 602105.
3. The Revenue Divisional Officer,
Tiruvallur,
Tiruvallur District-602 105.
4. The Tashildar,
Avadi Taluk Officer,
Avadi, Chennai-600 054.

+1cc to Mr.V.Kumaresan, Advocate, S.R.No.13617

+1cc to the Government Pleader, S.R.No.14614

W.P. No.4444 of 2022

SR(CO)
RGA(18/03/2022)