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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.02.2022
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1759 of 2022
And
W.M.P.No.1917 of 2022

S.Kanchana

... Petitioner

Vs.

- 1.The Deputy Tahsildar
Old Mahabalipuram Road,
TNHB, Sholinganallur,
Chennai - 600 119.
- 2.The Sub-Registrar,
Chennai South Joint 1,
9, Jeenis Road,
Saidapet,
Chennai - 600 015.
- 3.The District Collector,
No.62, Rajaji Salai,
4th Floor, Beach Road,
Chennai - 600 001.
- 4.The Tahsildar,
Old Mahabalipuram Road,
TNHB, Sholinganallur,
Chennai - 600 119.
- 5.The Revenue Divisional Officer,
South Chennai, Guindy,
Chennai - 600 032.
- 6.A.Radhakrishnan
- 7.M.Muthuraj
- 8.K.Sivakumar

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fourth respondent to send the report within a time framed and consequently direct the fifth respondent to pass order on my representation dated 02.09.2021 in accordance with the patta



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passbook act and it rules made thereunder and revenue standing order and restore the patta in the name of the petitioner.

For Petitioner : Mr.S.Raveekumar

For Respondents : Mr.G.Nanmaran

Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the fourth respondent to send the report within a time frame and to consequently direct the fifth respondent to pass orders on the petitioner's representation dated 02.09.2021 in accordance with the Patta Passbook Act and Rules made thereunder and Revenue Standing Order and to restore the patta in the name of the petitioner.

2.The case of the petitioner is that the petitioner is the absolute owner of the subject property. The respondents 6 and 7 colluded together and trespassed into her property on 18.09.2015 and hence, the petitioner lodged complaint against them before the law enforcing agency. Whiles, on 14.08.2016 they again tried to trespass into the property. Hence, the petitioner filed a suit in O.S.No.539 of 2016 for permanent injunction on the file of the District Munsif Court at Alandur. During the pendency of the suit, the sixth respondent submitted forged document before the first respondent and obtained patta in favour of him and thereafter through his power agent namely, seventh respondent sold the subject property to the eighth respondent. Hence, the petitioner made representation to the respondents 3 and 4 seeking to conduct enquiry and to cancel the patta issued in favour of the sixth respondent. Thereafter the third respondent forwarded a letter dated 20.09.2021 to the fifth respondent to take necessary action and the fifth respondent forwarded letter dated 05.10.2021 to the fourth respondent to submit a report after conducting enquiry, however, there was no further action. Hence, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the fourth respondent to comply with the order of the fifth respondent dated 05.10.2021 and issue direction to the fifth respondent to pass appropriate orders thereafter.

4.The learned Special Government Pleader appearing for the official respondents submitted that the fourth respondent will comply with the order of the fifth respondent dated 05.10.2021 and submit a report to the fifth respondent after conducting enquiry with the petitioner and the private respondents.



5. Heard the submissions made by the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the official respondents. Since this Court is not inclined to pass any adverse order as against the private respondents, notice to the private respondents i.e., respondents 6 to 8 is dispensed with.

6. In view of the consent view expressed by the learned Special Government Pleader appearing for the official respondents, this Court without expressing any opinion on the merits of the case, directs the fourth respondent to comply with the order of the fifth respondent dated 05.10.2021 and submit a report to the fifth respondent after conducting enquiry with the petitioner and the private respondents i.e., respondents 6 to 8, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such report from the fourth respondent, the fifth respondent shall pass appropriate orders after affording opportunity to the petitioner and the respondents 6 to 8, within a period of eight weeks thereafter.

7. The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Tahsildar
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5.The Revenue Divisional Officer,
South Chennai, Guindy,
Chennai - 600 032.

+1 cc to Mr.S.Raveekumar, Advocate Sr.NO. 8198

+1 cc to Government Pleader Sr.NO. 9029

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And

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bs (CO)

A.SK(09/03/2022)