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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4066 of 2022

D.Dhanapal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Thiruvallur Revenue Division,
Thiruvallur.

2.The Tahsildar,
Thiruvallur Taluk Office,
Thiruvallur.

3.Kathirvel Aachari

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the representation dated 26.11.2021 preferred by the petitioner.

For petitioner : Mr.V.Devendhiran

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the respondents 1 and 2 to consider the representation dated 26.11.2021 preferred by the petitioner.

2. Mr.T.Chezhiyan, learned Additional Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.



3. Since, no adverse order is being passed against the third respondent, notice to the third respondent is dispensed with.

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4. The case of the petitioner is that the petitioner is the owner of the property comprised in paimash No.98, Patta NO.53, No.25 in 10 Jamin Paparampakkam Village Thiruvallur Taluk and Thiruvallur District. Initially, petitioner's father executed a mortgage deed in favour of Parvathi Ammal/ mother of Kathirvel Aachari, on 16.05.1951 and registered as document No.2101/1951 on the file of Sub-Registrar, Thiruvallur and he discharged the mortgage loan and obtained physical possession. However, taking advantage of the mortgage dated 16.05.1951, patta has been changed in favour of Kathirvel Aachari. However, objecting the same, petitioner made a representation before the first and second respondents on 26.11.2021 to cancel the Patta which stands in the name of Kathirvel Aachari. However, till date no action has been taken by the respondents on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the second respondent to consider the petitioner's representation dated 26.11.2021 within the time frame that may be fixed by this Court.

6. The learned Additional Government Pleader appearing for the respondents submits that the petitioner's representation dated 26.11.2021 will be considered by the respondents within the time frame that may be fixed by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's representation dated 26.11.2021, and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity to the third respondent.



8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

tri/anu

To

1.The Revenue Divisional Officer,
Thiruvallur Revenue Division,
Thiruvallur.

2.The Tahsildar,
Thiruvallur Taluk Office,
Thiruvallur.

+1cc to M/s.V.Devendhiran Advocate Sr.13087
+1cc to the Government pleader Sr.13796

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pmk[co]
srg 21/03/2022