



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.5515 of 2022

and

W.M.P.No.5598 of 2022

1.Ayesha Beevi
2.Raizan Parveen
3.Meezana
4.Shahdoona (Rep b their Power Agent, S.A. Mohammed Ismail)
...Petitioners

Vs.

1.The District Collector,
District Collectorate,
Chennai.

2. The Revenue Divisional Officer,
South Chennai Division,
Guindy, Chennai-32.

3.The Tahsildar,
Sholinganallur Division,
Chennai-119.

4.Hassan Mohammed

5.Nihaara Jamaal

6.Feroz Banu Jamaal

7.Sarvanan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent herein to consider the petitioner's petition dated 19.09.2019 and to conduct enquiry and to remove 6th respondent's name from the Patta No.6921 and to issue Patta in favour of the petitioner's within a time frame fixed by this Hon'ble Court.

For Petitioners : Mr.Krishna Prasad.R

For Respondents : Mr.A.Anandan
Government Advocate



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's petition dated 19.09.2019 and to conduct enquiry and to remove 6th respondent's name from the Patta No.6921 and to issue Patta in favour of the petitioner's within a time frame that may be fixed by this Court.

2. The learned Government Advocate takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse orders are being passed against the private respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that the petitioner is the owner of the property in Survey No.15C, 15/153, in plot No.42, VGP Golden Beach-III, Injambakkam Village. However, the said land was acquired by the 6th respondent by way of fraudulent document. Hence, the petitioner filed W.P.No.15186 of 2020, this Court by its order dated 02.11.2021 directed the 2nd respondent to complete the enquiry within a period of eight weeks. Based on the direction of this Court the 2nd respondent has conducted the enquiry and confirmed that the alleged Power of Attorney, dated 08.12.2018 registered as Document No.98/2018, on the file of SRO, Neelankarai, was fraudulently created and cancelled the Patta on 16.04.2021. Thereafter, the petitioner made a representation on 19.04.2021 to the 2nd respondent to take necessary steps to conduct enquiry upon the earlier complaint dated 19.09.2019 and to cancel the Patta No.6921 issued in favour of the 6th respondent. However, till date authorities have not passed any orders. Hence, this writ petition is filed with the above said prayer.

5. The learned counsel appearing for the petitioners submitted that it would suffice, if this Court issues a direction to the respondents to conduct adjudication between the petitioner and 6th respondent and direct the respondents to pass orders within the time frame that may be fixed by this Court.

6. The learned Government Advocate appearing on behalf of the official respondents submitted that the petitioner's representation dated 19.04.2021, will be considered within a reasonable time that may be fixed by this Court.



7. Considering the limited relief sought for by the petitioner that his property was allegedly acquired by the 6th respondent by way of fraudulent document on which patta has been granted in Patta No.6921, without following the due process of law, the same has to be cancelled in accordance with law. In view of the above 3rd respondent is directed to conduct adjudication between the petitioner and 6th respondent and pass appropriate orders on merits and in accordance with law, after affording an opportunity to the aggrieved parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

Psa

To

- 1.The District Collector,
District Collectorate,
Chennai.
- 2.The Revenue Divisional Officer,
South Chennai Division,
Guindy, Chennai-32.
- 3.The Tahsildar,
Sholinganallur Division,
Chennai-119.

+1cc to M/s.Sarvabhuvanam Associates, Advocate, Sr.No.16600

+1cc to the Government Pleader, Sr.No.17056

W.P. No.5515 of 2022

SPD(CO)
RN(24/03/2022)