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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.8420 of 2022
and
W.M.P.No.8369 of 2022

K.Shankar

... Petitioner

Vs.

1. The District Collector,
Greater Chennai District Collector Office,
Singaravelan Maligai,
Chennai 600 001.
2. The Tahsildar,
Aminjikai Tahsildar Office,
Chennai 600 030.
3. The Revenue Divisional Officer,
Central Chennai Revenue Divisional Office,
Aminjikai,
Chennai 600 030.
4. The District Revenue Officer,
Greater Chennai Collector Office,
7th Floor, Singaravelan Maligai,
Chennai 600 001.
5. The Revenue Secretary,
Secretariat,
Chennai 600 009.
6. The Chief Secretary of Tamilnadu,
Secretariat,
Chennai 600 009.

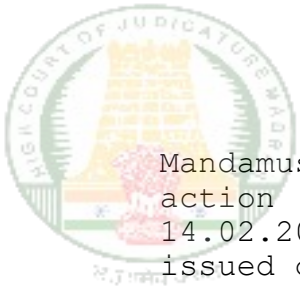
7. R.Shankaran Gargh

8. Mr.V.Mathiyalagan

9. Mrs.Ramya

.... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of



Mandamus, directing the respondents 1 and 2 to take necessary action on the petitioner's representation dated 11.08.2021 and 14.02.2022 and to cancel the Patta No.2018-0153-02-005820TR issued on 05.10.2018 in favour of the 8th and 9th respondents.

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For Petitioner : Mr.J.Siddhardhan

For R1 to R6 : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus to direct the respondents 1 and 2 to take necessary action on the petitioner's representations dated 11.08.2021 and 14.02.2022 and to cancel the Patta No.2018-0153-02-005820TR issued on 05.10.2018 in favour of the 8th and 9th respondents.

2. The case of the petitioner is that the petitioner is the owner of the property in Survey No.110/2T Block No.79, T.S.No.64, measuring an extent of 3165 sq.ft. The petitioner initially sold 472 sq.ft undivided land to one Mr.Krishna Kumar. The said Mr.Krishna Kumar, in turn gave a Power of Attorney dated 17.05.2011 to Mr.Vipin Gopi, who in turn sold the property to one R.Sankaran Gargh without the knowledge of the petitioner, vide Sale Deed document No.1208/2011 dated 25.03.2011. Further, the said R.Shankaran Gargh approached the petitioner to purchase the remaining four plots with undivided share of land, vide sale deed dated 25.03.2011 in favour of him, who is the builder and entered into construction agreement with the petitioner. However, the petitioner inadvertently executed a rectification deed dated 09.04.2011, vide Document no.1308/2011, on the file of Sub-Registrar Anna Nagar, Chennai and the sale consideration was not paid to the petitioner. Meanwhile, Mr.R.Shankaran Gargh executed a Power of Attorney in favour of one P.Shankar, dated 06.07.2016 registered as Document No.3144/2016, and proceeded to execute sale deed and registered as Document no.5454 of 2016 in favour of Mr.Mathialagan/8th respondent and Mrs.Ramya/9th respondent by suppressing all the facts. Even before the execution of sale deed, the petitioner had filed a Suit in O.S.No.5353 of 2016 on the file of VII Assistant City Civil Court, seeking permanent injunction against Mr.R.Shankaran Gargh and Sub-Registrar, Anna Nagar. Further, the said Suit was decreed in favour of the petitioner on 09.03.2018 and the same was intimated to 8th and 9th respondents by a letter to the Sub-Registrar in July 2018 to cancel the documents which was registered during the pendency of the Civil Suit. Thereafter, the petitioner has made representations dated 11.08.2021 and 14.02.2022 before the first and second respondents, seeking to



cancel the Patta issued in favour of the 8th and 9th respondents. As the said representations made by the petitioner have evoked no response from the first and second respondents, the petitioner has filed the present Writ Petition.

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3. The learned counsel for the petitioner submitted that it would suffice, if this Court, issues direction to the first and second respondents to consider the petitioner's representations dated 11.08.2021 and 14.02.2022 and pass orders on the same within a particular time frame that may be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, permits the petitioner to file application before the second respondent in terms of Section 10 of the Tamil Nadu Patta Passbook Act, within a period of two weeks, and if such application is filed, the second respondent is directed to pass appropriate orders on the same on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jd/sp

To

1. The District Collector,
Greater Chennai District Collector Office,
Singaravelan Maligai,
Chennai 600 001.
2. The Tahsildar,
Aminjikarai Tahsildar Office,
Chennai 600 030.



3. The Revenue Divisional Officer,
Central Chennai Revenue Divisional Office,
Aminjikarai,
Chennai 600 030.

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4. The District Revenue Officer,
Greater Chennai Collector Office,
7th Floor, Singaravelan Maligai,
Chennai 600 001.

5. The Revenue Secretary,
Secretariat,
Chennai 600 009.

6. The Chief Secretary of Tamilnadu,
Secretariat,
Chennai 600 009.

+3ccs to Mr.J.Siddhardhan, Advocate, S.R.No.23760
+1cc to the Government Pleader, S.R.No.24538

W.P. No.8420 of 2022 and
W.M.P.No.8369 of 2022

SSV(CO)
CT 27/04/2022