



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.7422 OF 2022

S.Stella

... Petitioner

.Vs.

1. The Revenue Divisional Officer,
South Chennai Division,
Anna Salai, Guindy,
Chennai - 600 032.

2. The Tahsildar,
Taluk Office,
Sholinganallur,
Chennai - 600 119.

3. V.Rajkumar

4. C.Jayaraman

5. Gayathri Manoharan

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st Respondent to consider the application dated 18.11.2020 to cancel the patta issued in favour of 3rd respondent pertaining to petition property and as a consequential relief by way of direction directing the 1st respondent not to issue a patta in favour of the 4th respondent measuring an extent of 1615 sq.ft. comprised in survey No.179, plot Nos.4, 4A and 5 situated at Madipakkam Village, Puzuthivakkam, Eswaran Kovil Street, Madipakkam, Chennai - 600 091.

For Petitioner : Mr.T.Ramachandran

For Respondents : Mr.R.P.Murugan Raja
Government Advocate



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 1st respondent to consider the application dated 18.11.2020 to cancel the Patta issued in favour of 3rd respondent pertaining to petition property and as a consequential relief by way of direction directing the 1st respondent not to issue a patta in favour of the 4th respondent measuring an extent of 1615 sq.ft. comprised in survey No.179, plot No.4, 4A and 5 situated at Madipakkam Village, Puzuthivakkam, Eswaran Kovil Street, Madipakkam, Chennai - 600 091.

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 order is being passed as against the private respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that the 3rd respondent is the owner of the property to an extent of 5,288 Sq.ft, out of which the petitioner has purchased 2,223 Sq.ft. in Survey No.179 and 179 Part, Old Patta No.195, as per Patta Survey No.453/9, New Patta No.591, 2nd Cross Eswaran Kovil Street, situated at Madipakkam Village, Sholinganallur Taluk, Kancheepuram District, vide Document No.6902 of 2019. Thereafter, the petitioner approached the Revenue Authorities for transfer of Patta and came to know that there are several litigations in the above said land. Hence, the petitioner made application before the respondents, on 18.11.2020, for cancellation of Patta. However, till date no orders have been passed. Hence, this Writ Petition is filed with the aforesaid prayer.

5. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the respondents to consider petitioner's representation, dated 18.11.2020 and pass appropriate orders within a reasonable time that may be fixed by this Court.

6. The Government Advocate appearing on behalf of the official respondents submitted that the petitioner made application for cancellation of the Patta is not sustainable. Hence, he prayed for dismissal of this petition.

7. This Court, without going into the merits of the case, permit the petitioner to file appropriate petition, for transfer



of Patta from the 3rd respondent, to the limited extent purchased by the petitioner, within a period of two weeks from the date of receipt of a copy of this order. If such representation is filed, the 2nd respondent is directed to consider the same, in accordance with law, and pass appropriate orders, after providing an opportunity of hearing to the petitioner and to the aggrieved parties if any, within a period of twelve weeks thereafter.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The Revenue Divisional Officer,
South Chennai Division,
Anna Salai, Guindy,
Chennai - 600 032.
2. The Tahsildar,
Taluk Office,
Sholinganallur,
Chennai - 600 119.

+1cc to Mr.T.Ramachandran, Advocate, S.R.No.21927
+1cc to the Government Pleader, S.R.No.22248

W.P.NO.7422 OF 2022

RR(CO)
PBS/08/04/2022