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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.9530 of 2022
and
WMP.Nos.9277 & 9279 of 2022

1. K.B.Chendamarai

2. Arunachalam Sellamuthu Babu ... Petitioners
Vs

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department, Fort, St.George,
Chennai-9.

2. The District Collector,
Chengalpattu District,
Chengalpattu.

3. The Revenue Divisional Officer,
Chengalpattu District,
Chengalpattu.

4. The Tahsildar,
Thiruporur Taluk,
Chengalpattu District.

5. The Sub Registrar,
Thiruporur, Chengalpattu District. ... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioners dated 02.08.2021 and consequently, direct the respondents 1 to 4 to restore/include the S.No.1395C/1B1B measuring an extent of 53 cents in Thaiyur-B Village, Thiruporur Taluk, Chengalpattu District in the petitioners patta No.643 by cancelling the patta No.3634.

For Petitioner : Mr. E.Manoharan

For Respondents : Mr. P.Sathish, AGP



ORDER

This writ petition is filed seeking direction to the respondents to consider the representation of the petitioners dated 02.08.2021 and consequently, direct the respondents 1 to 4 to restore/include the S.No.1395C/1B1B measuring an extent of 53 cents in Thaiyur-B Village, Thiruporur Taluk, Chengalpattu District in the petitioners patta No.643 by cancelling the patta No.3634.

2. The case of the petitioner is that he purchased the properties measuring an extent of 1.21 acres in S.Nos.139/5C/1B1A, 1395C/1B1B, 1395C/1B1C in Thaiyur B Village, Thiruporur Taluk, Chengalpattu District. Some unknown persons have created forged documents and fraudulently made encumbrance over the petitioners' property. One of the S.No.1395C/1B1B measuring an extent of 53 cents, of the above mentioned property has been removed, illegally, out of the original patta No.643 which was issued in favour of the petitioners and it has been re-assigned in the name of a persons who has expired as early as 1999 by creating a fraudulent patta No.3634, which requires to be cancelled and the petitioners' patta No.643 requires to be restored, for which, the petitioners made a representation to the respondents to cancel the illegal patta No.3634 with regard to the petitioners property and to restore the said patta in favour of the petitioners. The respondents have not considered the representation so far and hence, the present writ petition has filed before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that this Court may issue a directions to the respondents to consider the representation dated 02.08.2021 made by the petitioners and to restore S.No.1395C/1B1B in the name of the petitioners by cancelling the fraudulent patta No.3634, within the stipulated time as fixed by this Court.

4. The learned Additional Government Pleader appearing on behalf of the respondents submitted that pursuant to the order of this Court, the 4th respondent filed a report before this Court. Based on the said report, the Revenue Divisional Officer will be passed appropriate orders in accordance with law within the reasonable time as fixed by this Court.

5. Heard, the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents, and perused the materials available on record.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the



case, directs the third respondent to conclude the enquiry and pass appropriate orders, after giving opportunity to the petitioner, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

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7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The Principal Secretary to Government,
Government of Tamilnadu,
Revenue Department, Fort St. George,
Chennai-9.
2. The District Collector,
Chengalpattu District,
Chengalpattu.
3. The Revenue Divisional Officer,
Chengalpattu District,
Chengalpattu.
4. The Tahsildar,
Thiruporur Taluk,
Chengalpattu District.
5. The Sub Registrar,
Thiruporur,
Chengalpattu District.

+1cc to the Government Pleader, S.R.No.29663

WP.No.9530 of 2022

and

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GSM(CO)
GN(27/05/2022)