



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10418 OF 2022

Prathiba

... Petitioner

.Vs.

1. The District Collector,  
Kanchipuram District.
2. The Revenue Divisional Officer,  
Tambaram.
3. The Tahsildar,  
Tambaram Taluk,  
Tambaram.
4. G.K.Thiru.Dhanasekar

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent 3 to consider the petitioner's representation dated 01.07.2019 and thereby direct the respondent 3 to cancel the Patta issued in the name of the 4<sup>th</sup> respondent and issue the Joint Patta in the name of the Legal heirs of deceased Gurudatta Rao on the light of the order passed by the 2<sup>nd</sup> respondent in Na.Ka.No.3070/2020/A dated 30.04.2021 in respect of the property in Survey No.49/1 and 49/2, Plot No.19 measuring 3552 Sq.ft situated Old No.176, present Survey No.56, Vengaivasal Village, Tambaram Taluk, Kanchipuram District within a stipulated period of time.

For petitioner : Mr.S.Balasubramanian

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



## O R D E R

The petitioner has filed this petition seeking direction to the third respondent to consider the petitioner's representation dated 01.07.2019 and thereby direct the third respondent to cancel the Patta issued in the name of the 4<sup>th</sup> respondent and issue the Joint Patta in the name of the Legal heirs of deceased Gurudatta Rao on the light of the order passed by the 2<sup>nd</sup> respondent in Na.Ka.No.3070/2020/A dated 30.04.2021 in respect of the property in Survey No.49/1 and 49/2, Plot No.19 measuring 3552 Sq.ft situated Old No.176, present Survey No.56, Vengaivasal Village, Tambaram Taluk, Kanchipuram District within a stipulated period of time.

2. Mr.R.P.Murugan Raja , learned Government Advocate takes notice for the respondents 1 to 3. 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 fourth respondent, notice to the fourth respondent is dispensed with.

4. The case of the petitioner is that, the disputed property comprised in S.No.49/1 and 49/2, Plot no.19, measuring an extent of 3552 sq.ft, situated at old no.176, new no.56, Vengaivasal village, Tambaram taluk, Kanchipuram District was owned by petitioner's father. The petitioner's father had acquired the property by way of registered Sale Deed dated 20.12.1968, in Doc.No.5183 of 1968. While so, the petitioner's father died on 20.04.1993. However, fourth respondent created a forger Sale Deed dated 18.11.2004 in Doc.No.7989 of 2004. After knowing the same, all the legal heirs of the petitioner's father gave a general power of attorney dated 09.12.2014 in favour of the petitioner. To initiate legal proceedings against the fourth respondent, petitioner had lodged a complaint, beside she filed a Suit in O.S.No.332 of 2015 before the District Munsif Court, Tambaram, as against the fourth respondent for the relief of Declaration of said Sale Deed in Doc.No.7989 of 2004 is null and void. However, based on compromised, the said suit was decreed in favour of the petitioner on 07.04.2016. The fourth respondent had also filed CrI.O.P.No.6095 of 2016 before this Court for quashing the Crime No.60 of 2015 which was registered against the fourth respondent at the instigation of the petitioner and based on the compromise, the quashing petition is allowed on 28.03.2016. Thereafter, the petitioner had made a representation dated 01.07.2019 before the third respondent to cancel the Patta which was issued in favour of the fourth



respondent and to issue Joint Patta in favour of the legal heirs of petitioner's father, and the same was forwarded to the second respondent. Subsequently, the second respondent passed the order dated 30.04.2021 in favour of the petitioner. However, till date no action has been taken by the third respondent on the order passed by the second respondent. 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 third respondent to implement the order dated 30.04.2021 passed by the second respondent within the time frame that may be fixed by this Court.

6. The learned Government Advocate appearing for the respondents submits that the order passed by the third respondent dated 30.04.2021 will be implemented by the third respondent 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 third respondent to implement the order passed by the second respondent dated 30.04.2021 within a period of Six weeks from the date of receipt of a copy of this order, if there is no legal impediment.

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

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Kanchipuram District.
2. The Revenue Divisional Officer,  
Tambaram.



3. The Tahsildar,  
Tambaram Taluk,  
Tambaram.

+1cc to Mr.S.Balasubramanian, Advocate, S.R.No.30747  
+1cc to the Government Pleader, S.R.No.30950

W.P.NO.10418 OF 2022

SMI (CO)  
PBS/20/05/2022