



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.14399 of 2022

Ganesan

... Petitioner

Vs.

1. The Revenue Divisional officer
Madurantagam Chengalpet District

2 The Tahsildar,
Cheyyur Taluk, Cheyyur.

3 D.Vijayakumar

4 D.Munusamy

5 D.Perumal

6 D.Jeevarathinam

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st Respondent herein to dispose of the appeal dated 23.12.2019 filed by the petitioner for cancelling the patta issued in the name of Dharmalingam Naicker in respect of the lands measuring 0.57 acres in S. F. No. 406/1A situate at Parameswara Mangalam Village, Cheyyur Taluk, Chengalpet District in accordance with law and within a stipulated period.

For Petitioners : Mr.K.Govi Ganesan

For Respondents : Mr.R.P.Murugan Raja, GA

O R D E R

Mr.R.P.Murugan Raja, learned Government Advocate takes notice for the respondents 1 & 2. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.



2. This Writ Petition has been filed seeking a direction to the 1st Respondent herein to dispose of the appeal dated 23.12.2019 filed by the petitioner for cancelling the patta issued in the name of Dharmalingam Naicker in respect of the lands measuring 0.57 acres in S. F. No. 406/1A situate at Parameswara Mangalam Village, Cheyyur Taluk, Chengalpet District in accordance with law and within a stipulated period.

3. The case of the petitioner is that the petitioner was issued with a joint patta based on his sale deed and subsequently, one Dharmalingam Naicker name was wrongly included as joint pattadar. The said Dharmalingam Naicker is no way connected to this property and Objecting the same, the petitioner made appeal on 23.12.2019 to the first respondent. Till date, the first respondent has not considered the petitioner's appeal and hence, the petitioner has filed the present petition before this Court seeking appropriate remedy.

4. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondent to consider the petitioner's appeal dated 23.12.2019 and pass appropriate orders within the time frame as fixed by this Court.

5. The learned Government Advocate submitted that to modify the patta, the petitioner has to file application before the jurisdictional Tahsildar. Instead of doing that, the petitioner has filed an application before the District Collector, which is not sustainable one and hence, the writ petition has to be dismissed.

6. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record. Since no adverse orders are passed against the respondents 2 to 6 and hence, their presence is dispensed with.

7. Considering the facts and circumstances of the case and the submission made by learned Government Advocate, this Court directs the petitioner to file modification/cancellation petition to the second respondent within a period of two weeks from the date of receipt of a copy of this order. Upon such receipt of application, the second respondent shall consider the same and pass orders, after providing opportunity to the petitioner as well as the counter parties, in this regard, on merits and in accordance with law within a period of twelve weeks, thereafter.



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

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Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Revenue Divisional officer
Madurantagam Chengalpet District
- 2 The Tahsildar,
Cheyyur Taluk, Cheyyur.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.34325

+1cc to the Government Pleader, S.R.No.34889

W.P.No.14399 of 2022

SSD (CO)
UMA (05/07/2022)