



WEB COPY



W.P.No.6176 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.6176 of 2015

S.Latha

. . . Petitioner

Vs.

1. The Revenue Divisional Officer,
Sriperumbudur taluk,
Kanchipuram District.
2. The Deputy Tahsildar (Head Quarters)
Sriperumbudur Taluk,
Kancheepuram District.
3. M.M.Kuppam Developers Private Limited,
Door No.30A, South Phase, 6th Cross Street,
Thiru Vi Ka Industrial Estate, Guindy,
Chennai-600 032.

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or order or direction in the nature of writ directing the 1st respondent to conduct enquiry and pass orders on the petition filed by the petitioner dated 01.08.2014 to cancel the patta given to the 3rd respondent in a time limits that may be prescribed by this Hon'ble Court.



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For Petitioner : M/s.A.Balamurugan

For Respondents : Mr.A.Anandan,

Government Advocate for R1 & R2

: No appearance for R3.

ORDER

The present petition has been filed seeking a direction to the 1st Respondent/Revenue Divisional Officer to conduct enquiry on the petitioner's representation dated 01.08.2014 requesting to cancel the Patta granted in favour of the 3rd Respondent and pass appropriate orders on the same within the time that may be stipulated by this Court.

2. It is the case of the petitioner that the subject property situated in Survey No.468/5, Sandavelur Village to an extent of Acre 1.13 cent is the ancestral property of the petitioner. After the demise of their forefathers, the petitioner's father was in possession of the said property throughout his lifetime and the revenue records in respect of the said property stands in his name. After the demise of his father, the petitioner approached the Village Administrative Officer seeking to mutate the revenue records in favour of the



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petitioner with respect to the above said property, the petitioner came to know that Patta has been granted in favour of the 3rd respondent based on the forged sale deed dated 03.03.2007 submitted by the 3rd respondent. Aggrieved by the same, the petitioner made a representation dated 01.08.2014 to the 1st respondent/Revenue Divisional Officer seeking cancellation of patta which was granted in favour of the 3rd Respondent and to grant patta in favour of the petitioner's father. However, till date, no action has been taken on the said representation. Hence, the petitioner has come up with the present petition.

3. Though very many grounds have been raised, however, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to consider the petitioner's representation dated 01.08.2014 and pass appropriate orders on the same, within the time frame that may be stipulated by this Court.

4. On the above contentions, this Court, heard the learned Government Advocate appearing for the Respondents 1 & 2.



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5. As per the provisions of the Patta Passbook Act, Tahsildar is the competent Authority to cancel the Patta which was already issued, however, the petitioner has made a representation to the 1st respondent/Revenue Divisional Officer, who is not competent to cancel the Patta. In such view of the matter, this Court permits the petitioner to make a representation to the 2nd Respondent/Deputy Tahsildar along with the copy of this order, within a period of two weeks from the date of receipt of a copy of this order. If any such representation is made, the 2nd respondent is directed to consider the said representation and pass appropriate orders on the same in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the aggrieved persons if any, within a period of twelve weeks thereafter.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

16.08.2022

NHS

Index : Yes / No

Internet : Yes / No

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To

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2. The Deputy Tahsildar (Head Quarters)
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M.DHANDAPANI, J.

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