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W.P.No.12128 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2022

Coram

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 12128 of 2022

T. Ramachandran

.. Petitioner

Versus

1.The District Collector,
Collector Office,
Rajaji Salai, Chennai – 600 001.

2.The Revenue Divisional Officer,
Chennai South,
Anna Salai, Guindy,
Chennai – 600 032.
(Near The Tamilnadu Dr.MGR Medical University)

3.The Thasildar,
Taluk Office, Alandur, Chennai – 600 016.

4.Kamali

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to consider the application dated 04.04.2022 and cancel the patta issued in favour of the 4th respondent pertaining to property bearing Old Door No.4A, New Door No.11, Officers Colony, West Street, Adambakkam, Chennai – 600 088.

For Petitioner : Mr. B. Sekar

For Respondents - 1 – 3 : Mrs. Anitha,
Special Government Pleader



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ORDER

The petitioner has filed this writ petition praying to issue a Writ of Mandamus directing the second respondent to consider the application dated 04.04.2022 submitted by him for cancellation of the patta issued in favour of the 4th respondent pertaining to property bearing Old Door No.4A, New Door No.11, Officers Colony, West Street, Adambakkam, Chennai – 600 088.

2. According to the petitioner, the mother of the fourth respondent herein by name Pavalakodi is the owner of the property in question. During the year 2010, it was represented by the mother of the fourth respondent that she is intending to sell the property as she could not repay the mortgage loan availed by her with Adambakkam Brindhavan Nagar Benefit Fund. On the basis of such representation, the petitioner agreed to purchase the property in question and paid a sum of Rs.10,70,000/- to the mother of the fourth respondent. On receipt of the said amount, the mortgage deed was released by the mother of the fourth respondent on 05.10.2010, however, after redeeming the property, the fourth respondent's mother failed and neglected to execute a sale deed in his favour. On enquiry, the petitioner came to know that the fourth respondent's mother clandestinely executed a settlement deed in favour of the fourth respondent in respect of the property in question and also failed



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to repay the amount borrowed from him. Therefore, the petitioner filed a suit in O.S. No. 368 of 2014 before the Additional District Munsif, Alandur for a declaration to declare that the settlement deed dated 10.02.2012 executed in favour of the fourth respondent is null and void. While so, the brother of the fourth respondent has filed a suit against the fourth respondent and his mother claiming a share in the said property. In that suit, a preliminary decree was passed and thereafter, the brother of the fourth respondent executed a settlement deed settling 1/3 share to the fourth respondent. On the basis of such settlement, the fourth respondent has also obtained a patta in respect of the property in question by fraud and misrepresentation. It is also stated that in the patta, the address of the property was wrongly mentioned which would show that it was obtained by the fourth respondent by colluding with the revenue authorities. In this context, the petitioner submitted a representation dated 04.04.2022 for cancellation of the patta issued in favour of the 4th respondent, however, there is no response. Hence, the petitioner has filed this writ petition.

3. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the material records.



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4. Considering the above said facts and the submissions of the counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 3, this Court directs the second and third respondents to consider the representation dated 04.04.2022 of the petitioner, conduct an enquiry, afford an opportunity of hearing to the petitioner, the fourth respondent and others concerned and pass appropriate orders thereof on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of.
No costs.

06.05.2022

mrr/rsh

Index : Yes/No

To

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R.MAHADEVAN, J

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