



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14310 OF 2022

A.Anand

... Petitioner

.Vs.

1. The District Collector,
Chennai District,
Chennai - 600 001.
2. The Revenue Divisional Officer,
Revenue Divisional Office(South),
Anna Salai, Guindy,
Chennai - 600 032.
3. The Tahsildar,
Mambalam-Guindy Taluk,
West Jaffer Khanpet,
Chennai - 600 083.

4. A.Ramesh

... Respondent

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to cancel the patta fraudulently obtained in the name of the 4th respondent to an extent of 17.0 sq.mtr. (i.e. 183 sq.ft.) in Survey No.33/4, within a time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Ramana Reddy

For Respondents : Mr.P.Sathish
Additional Government Pleader
For R1 to R3



O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's appeal dated 20.04.2022 and cancel the patta fraudulently obtained in the name of the 4th respondent to an extent of 17.0 sq.mtr. (i.e. 183 sq.ft.) in Survey No.33/4 as early as possible.

2. Learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final hearing.

3. Since, no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that he is the owner of the property situated at No.113/3, Pillaiyar Koil Street, Jaffarkhanpet, Chennai-600 083, bearing old Survey No.352/2A, New Survey No.33/3 and 33/4, measuring an extent of 810 Sq.ft. and he is complete possession and enjoyment of the above said property. Whiles, the 4th respondent, being the adjacent land owner, is making continuous attempts to encroach the above said property and has also obtained a patta in his favour in respect of a part of the subject property to an extent of 17.0 sq.mtr and sub divided the same as Survey No.33/4. Aggrieved by the said action of the 3rd respondent, the petitioner preferred an appeal dated 20.04.2022 before the Revenue Divisional Officer/ 2nd respondent, seeking cancellation of the patta issued by the 3rd respondent in favour of the 4th respondent. However, till date, no orders have been passed on the same. Hence, this Writ petition is filed.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's appeal petition dated 20.04.2022 and subsequently cancel the pata issued by the 3rd respondent in favour of the 4th respondent as early as possible.

6. Learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 has no serious objection for said order being passed and he fairly conceded that the petitioner's appeal petition dated 20.04.2022 will be considered and appropriate orders will be passed on the same within the time stipulated by this Court.



7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the petitioner to submit the copy of the petition dated 20.04.2022 before the 3rd respondent along with a copy of this order within a period of four weeks from the date of receipt of a copy of this order. On receipt of such petition, the 3rd respondent shall consider the same on merits and dispose of the same in accordance with law within a period of eight weeks thereafter, after affording opportunity of personal hearing to the petitioner as well as the private respondent.

8. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Chennai District,
Chennai - 600 001.
2. The Revenue Divisional Officer,
Revenue Divisional Office(South),
Anna Salai, Guindy,
Chennai - 600 032.
3. The Tahsildhar,
Mambalam-Guindy Taluk,
West Jaffer Khanpet,
Chennai - 600 083.

+1cc to Mr.V.Ramana Reddy, Advocate, S.R.No.36828
+1cc to the Government Pleader, S.R.No.36934

W.P.NO.14310 OF 2022

SV(CO)
PBS/06/07/2022