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W.P.No.15861 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.15861 of 2022

C.Balakrishnaiah

...Petitioner

Vs.

1.The District Collector,
Thiruvallur District.

2.The Revenue Divisional Officer,
Tiruttani,
Thiruvallur District.

3.The Tahsildar,
Pallipattu,
Thiruvallur District.

...Respondents

Prayer:-

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 herein to change the patta in the name of the petitioner herein with regard to the property situated at Survey No.132/5, Venkatrajakuppam Village, Pallipattu Taluk, Tiruvallur District, to the extent of Hecte 0.76.0 in Acre 1.88 cents.

For Petitioner : Mr.J.Prakasam



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For Respondents : Mr.R.Vigneswaran
Government Advocate

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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 2nd and 3rd respondents to change patta in the name of the petitioner with regard to the property said above.

2.The learned Government Advocate takes notice for the respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3.The case of the petitioner is that the petitioner is the owner of the property situated at Survey No.132/5, Venkatrajakuppam Village, Pallipattu Taluk, Tiruvallur District, to the extent of 1.88 cents. Originally, the said property was purchased by the petitioner's grand father namely, C.Ramaiah Chetty in the year 1926, vide valid sale consideration in Document No.902 dated 15.04.1926. After the demise of the petitioner's grand father, all the ancestral property are orally partitioned. The petitioner's father namely C.Dorasamy Chetty was died on 26.10.1976 and his youngest brother one C.Venkatapathy Chetty was expired on 02.06.1991. One C.B.Venkatapathy



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Chetty, son of Sanjeev Chetty impersonated himself as petitioner's father's youngest brother namely C.Venkatabathu Chetty in collusion with C.Kumar, son of C.Venkatapathy Chetty and one D.Krishnapillai fraudulently created a settlement deed in favour of the said C.Kumar in Document No.1054 of 2017 dated 06.09.2017 and subsequently, created a sale deed Document No.636 of 2018 dated 24.05.2018 in favour of D.Krishnapillai and patta was also granted in favour of the said D.Krishnapillai. Thereafter, the petitioner filed a criminal complaint and the same was registered in crime No.29 of 2019 on the file of the Inspector of Police, District Crime Branch, Thiruvallur, for the offence under Section 419, 420, 423, 465, 468 and 471 of I.P.C. and apart from the registration of criminal case, the petitioner also filed complaint for cancellation of fraudulent document before the District Registrar, Kancheepuram. On pursuant to which the District Registrar, Kancheepuram, cancelled the said settlement deed and the said sale deed by his proceedings Na.Ka.No.2616/Aa2/2018 dated 21.02.2019. Thereafter, the petitioner sent representation dated 20.12.2019, before the second respondent to change revenue records. Since the same has not been considered, the petitioner has filed the present Writ Petition seeking the aforesaid relief.



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4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondent to consider the petitioner's representation dated 20.12.2019 and pass orders on the same within a particular time frame fixed by this Court.

5. The learned Government Advocate has no objection for said order being passed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the petitioner to submit a copy of the representation dated 20.12.2019 along with the copy of this order before the third respondent within a period of four weeks from the date of receipt of copy of this order and on receipt of the said representation, the third respondent shall consider the same on merits and pass appropriate orders in accordance with law within a period of eight weeks thereafter.



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7. Accordingly, this Writ Petition is disposed of. No costs.

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Speaking Order : Yes/ No

Index : Yes/ No



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To

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M.DHANDAPANI,J.

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