



WEB COPY



W.P.No.15874 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

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

W.P.No.15874 of 2022
and W.M.P.No.15174 of 2022

Mohamed Aswar Bhari

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Chengalpet Revenue Division,
Chengalpet,
Chengalpet District.

2.The Thasildar,
Thiruporur Taluk,
Thiruporur,
Chengalpet District.

3.Abdul Suban @ Imdiyaz

...Respondents

Prayer:-

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 and 2 from interfering property dispute between the petitioner and the 3rd respondent with regard to property in S.Nos.26/3, 26/4A and 26/4C situated at Thiruvidanthai Village, Thiruporur Taluk, Chengalpet District.

For Petitioner : Mr.Jothimanian



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W.P.No.15874 of 2022

For Respondents : Mr.R.Vigneswaran
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents 1 and 2 from interfering property dispute between the petitioner and the 3rd respondent with regard to property in S.Nos.26/3, 26/4A and 26/4C situated at Thiruvidanthai Village, Thiruporur Taluk, Chengalpet District.

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 in S.No.26/4A and 26/4C to an extent of 81 cents situated at Thiruvidanthai Village, Thiruporur Taluk, Chengalpet District. The petitioner derived the property from his father by way of settlement deed dated 22.06.2021. In pursuance of the said settlement deed, the petitioner is in possession and enjoyment of the same. While so, the 3rd respondent colluded with his henchmen namely Jagan tried to grab the petitioner's



W.P.No.15874 of 2022

property by way of forged documents and they made an application dated 27.04.2022 before the second respondent to cancel the patta in favour of the petitioner. Thereafter, the second respondent without considering the petitioner's documents, issued summon to the petitioner on 11.05.2022 in Na.Ka.No.770/2022/Aa2 and the second respondent is trying to cancel the petitioner's patta without passing any appropriate orders. Therefore, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

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

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 second respondent to conduct enquiry and pass appropriate orders on the same within a particular time frame fixed by this Court.

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



W.P.No.15874 of 2022

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the second respondent/Thasildar to conduct enquiry between the petitioner and the private respondent and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as the private respondent within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

24.06.2022

ep/sk

Speaking Order : Yes/ No
Index : Yes/ No



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To

1.The Revenue Divisional Officer,
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Chengalpet District.

2.The Thasildar,
Thiruporur Taluk,
Thiruporur,
Chengalpet District.



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M.DHANDAPANI,J.

ep/sk

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