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W.P.No.1508 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 1508 of 2014

P.Bakthavatchalam

... Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer,
Chengalpattu,
Kancheepuram District.

3.The Thasildar,
Tiruporur Taluk,
Tiruporur,
Kancheepuram District.

4.Karthikeyan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 25.11.2013 regarding the cancellation of patta issued in Old S.No.47/1, New S.No.47/31 situated at Rayamangalam village, Tiruporur Taluk, Kancheepuram District belong to Arulmigh Swarna Vinayagar Temple, Rayamangalam, Tiruporur Taluk, Kancheepuram District.



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For petitioner : Mr.S.Balasubramanian
For Respondents : Mr.R.P.Murugan Raja (for R1 to R3)
Government Advocate

ORDER

The petitioner has filed this petition seeking direction to the respondents to consider the petitioner's representation dated 25.11.2013 regarding the cancellation of patta issued in Old S.No.47/1, New S.No.47/31 situated at Rayamangalam village, Tiruporur Taluk, Kancheepuram District belong to Arulmigh Swarna Vinayagar Temple, Rayamangalam, Tiruporur Taluk, Kancheepuram District.

2. Mr.R.P.Murugan Raja, learned Government Advocate takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

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



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4. The case of the petitioner is that the Petitioner is the owner of the property comprised in Old S.No.47/1, New S.No.47/31 situated at Royamangalam Village, Tiruporur Taluk, Kancheepuram District. The said property originally belongs to the Grand-father of the Petitioner. During the pendency of the Writ Petition the petitioner had passed away. However, the Grand-father of the petitioner had alienated the property by way of Will in favour of the Arul Mighu Swarna Vinayagar Temple. Thereafter, the petitioner came to know that Patta was issued in favour of the third party. Hence, the petitioner made a representation dated 25.11.2013 before the respondents to cancel the Patta. However, till date no action has been taken by the respondents on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that this Court may grant liberty to the legal heirs of the petitioner to file fresh application before the third respondent in terms of Section 10 of Patta Passbook Act, within the time frame that may be fixed by this Court.



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6. The learned Government Advocate appearing for the respondents submits that the if such an application is made, it will be considered by the third respondent within the time frame that may be fixed by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, permits the petitioner to file an application before the Tahsildar within a period of two weeks from the date of receipt of a copy of this order, if such an application is filed, the Tahsildar is directed to pass appropriate orders within a period of twelve weeks thereafter, after affording an opportunity to the legal heirs of the petitioner and aggrieved persons if any.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

05.09.2022



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Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order
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To

- 1.The District Collector,
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Kancheepuram District.
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M.DHANDAPANI,J.



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