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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.03.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27143 of 2014

N. K. Ramakrishnan

...Petitioner

Vs

1. The District Collector,
Office of District Collector,
Thiruvallur District.
2. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Thiruvallur.
3. The Tahsildar,
Thiruvallur Taluk.
4. P. Radhakrishnan,
5. P. Jayachandran,
6. Kulasekaran

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent herein to dispose of the petitioner's Appeal seeking for cancellation of Pattas in favour of Respondents 4 to 6 in Patta No.84 and 386 with respect to property situate at thiruvallur District, Thiruvallur Taluk, Pudupet Village, S.No.217/6 measuring Ac 0.05.50 (0.14 cents) within a stipulated time frame.

For Petitioner ... Mr.R.Dineshkumar for Ms.P.Saritha

For Respondents ... Mr. Yogesh Kannadasan,
Special Government Pleader
for R1 to R3.

... M/s. S.R. Shenbagababu for R4 to R6.



O R D E R

The present petition has been filed seeking a direction to the 2nd respondent to dispose of the Appeal filed by the petitioner seeking for cancellation of Pattas in favour of private respondents within the time stipulated by this Court.

2. It is the case of the petitioner that the property situated in Survey No.217/6 measuring to an extent of 0.14 cents was originally purchased from one Srinivasan by the petitioner's father Kannappa Naickker. The said property devolved upon the petitioner after the demise of his father and the revenue records in respect of the said property stands in the name of the petitioner. Later, the petitioner came to know that patta in respect of the said property has been wrongly issued in favour of the respondents 4 to 6. Hence, the petitioner preferred an appeal before the 2nd respondent by way of representation dated 23.01.2014 and on receipt of the same, the 2nd respondent had directed the 3rd respondent to file a report after conducting a detailed enquiry. However, the same was not done. Therefore, the petitioner made another representation dated 01.04.2014 to the 1st respondent. However, till date, the same has not been considered. Hence, the present petition has been filed seeking the aforesaid relief.

3. Learned counsel for the petitioner submits that the it would suffice if this Court permits the petitioner to make appropriate application before the Jurisdictional Tahsildar and the said application may be considered within the time stipulated by this Court.

4. On the above contentions, heard the learned counsel appearing for the respondents and perused the materials available on record.

5. In view of the limited relief sought for at the time of hearing, this Court without expressing any opinion on the merits of the case, directs the petitioner to make an appropriate application before the 3rd respondent in terms of relevant provision available under the Patta Pass Book Act for transfer of register within a period of two weeks from the date of receipt of a copy of this order. If any such application is made, the 3rd respondent is directed to consider the same and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner as well as the respondents 4 to 6, within a period of twelve weeks thereafter.



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6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The District Collector,
Office of District Collector,
Thiruvallur District.
2. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Thiruvallur.
3. The Tahsildar,
Thiruvallur Taluk.

+1cc to the Government Pleader, S.R.No.22695

W.P.No.27143 of 2014

RR(CO)
SB(19/04/2022)