



W.P.No.28883 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28883 of 2022

E. Saraswathi

.. Petitioner

Vs.

1. The District Collector,
District Collector Office,
Thiruvallur, Thiruvallur District.
2. The District Revenue Officer,
District Revenue Office, Thiruvallur,
Thiruvallur District.
3. The Revenue Divisional Officer,
District Revenue Office, Thiruvallur,
Thiruvallur District.
4. The Thasildhar, Thasildhar Office,
Thiruvallur, Thiruvallur District.

5. J. Ganesan

..Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents 1 to 4 to cancel the patta issued to the 5th respondent in Patta No.1746 in Survey No. 130/22A Kakkalur Village Thiruvallur Taluk, Thiruvallur District and pass orders.

For Petitioner : Mr.C. Venkatesan

For Respondents 1 to 4 : Mr. U. Baranidharan, AGP

ORDER

This writ petition is filed for issuance of Writ of Mandamus directing directing the respondents 1 to 4 to cancel the patta issued to the 5th respondent in Patta No.1746 in Survey No. 130/22A Kakkalur Village Thiruvallur Taluk, Thiruvallur District.

2. The case of the petitioner is that the subject property is a ancestral property and the petitioner and his brother were the legal heirs of the subject property. Petitioner's brother executed a release deed in favour of the petitioner, hence the petitioner became the absolute owner of the subject property. Whiles, the fifth respondent who has no right over the subject property alleged obtained the patta in his favour. The



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grievance of the petitioner is that the authorities concerned without verifying the original records issued patta to the fifth respondent. Therefore, to cancel the same the petitioner has filed this writ petition.

3. Since no adverse order is passed against the fifth respondent notice to fifth respondent dispensed with.

4. The learned counsel for the petitioner submits that he has given a representation to the first respondent on 04.01.2013, but the same was not considered. Hence prays this Court for appropriate orders.

5. The learned Additional Government Pleader submits that the petitioner has gave a representation to the first respondent to cancel the patta, but the 4th respondent is the competent authority to decide the issue.

6. Heard both sides and perused the materials available on record.



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7. In view of the above, this Court directs the petitioner to file a application before the 4th respondent within a period of two weeks from the date of receipt of a copy of this order and the 4th respondent is directed to consider the petitioner's application in terms of Section 10 of Patta Pass Book Act,1983 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of filing of the application.

8. With the above terms, this present writ petition is disposed of.

No costs.

02.11.2022

smn

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No



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To

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Thiruvallur District.
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M.DHANDAPANI,J.

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