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W.P.No.32104 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32104 of 2017

And

W.M.P.No.35251 of 2017

S.Selvi

... Petitioner

Vs.

1.The Secretary to Government
Revenue Department,
Fort St.George,
Chennai – 600 009.

2.The District Collector
Office of the Collectorate,
Thiruvallur District.

3.The District Revenue Officer,
Office of the Collectorate,
Thiruvallur District.

4.The Revenue Divisional Officer,
Ambattur Zone,
Chennai – 600 101.

5.The Tahsildar,
Ambattur Taluk Office,
Thiruvallur District.

6.R.Ram Suresh

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Mandamus directing the respondents 3 and 4 to consider the petitioner's representation dated 07.08.2017 within a stipulated period and cancel the patta issued in the name of sixth respondent in R.P.T.515/2016 in Survey No.253/14 part and grant patta to the petitioner within the stipulated period it may be fixed by this Hon'ble Court.

For Petitioners : M/s.I.Jesu

For Respondents : Mr.Yogesh Kannadasan for R1 to R5
Special Government Pleader
M/s.L.S.M.Hasan Fizal for R6

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 3 and 4 to consider the petitioner's representation dated 07.08.2017 within a stipulated period and to cancel the patta issued in the name of sixth respondent in R.P.T.515/2016 in Survey No.253/14 part and grant patta to the petitioner within a stipulated period.

2.The case of the petitioner is that the petitioner's husband purchased the disputed property from the sixth respondent's father and settled the same in favour of the petitioner and they are in



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continuous possession and enjoyment of the same. Whiles, the sixth respondent's father died during the year 2009 and after his demise, the sixth respondent attempted to evict the petitioner's family from the property and also obtained patta in his favour. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that property tax, electricity connection, metro water and sewerage connection stand in the name of the petitioner, however, the fifth respondent without considering all these facts, issued patta in favour of the sixth respondent. However, it would suffice, if this Court issues direction to the fifth respondent to conduct enquiry on the petitioner's representation and to pass appropriate orders, after providing opportunity to the petitioner as well as the sixth respondent within a reasonable time frame.

4.The learned counsel appearing for the sixth respondent submitted that in respect of the disputed property, already, the petitioner and the sixth respondent have lodged complaint before the law enforcing agency and further submitted that the fifth respondent has also opined that the patta issued in favour of the sixth respondent



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is genuine. However, the learned counsel has no grievance for this Court issuing direction to the fifth respondent to conduct enquiry on the petitioner's representation and to pass appropriate orders, after providing opportunity to the petitioner as well as the sixth respondent.

5.In view of the above, this Court directs the fifth respondent to conduct enquiry on the petitioner's representation dated 07.08.2017 in terms of the Tamil Nadu Patta Pass Book Act and to pass appropriate orders, after providing opportunity to the petitioner as well as the sixth respondent. For ready reference, the petitioner is directed to send a copy of the representation dated 07.08.2017 along with a copy of this order, so as to enable the fifth respondent to pass appropriate orders.

6.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

28.06.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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M.DHANDAPANI,J.
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