



WEB COPY



W.P.No.31753 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31753 of 2022

D.Kamalakannan

... Petitioner

Vs.

1.Commissioner of Land Administration
O/o.Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.

2.The District Revenue Officer,
Chennai Collector's Office,
Chennai – 600 001.

3.The Tahsildar,
Velacherry Taluk,
Velacherry,
Chennai – 600 042.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose the Revision Petitions dated 18.08.2022 and 15.09.2022 filed by the petitioner within the stipulated period and consequently direct the respondents to issue a Patta in favour of the petitioner for the land admeasuring an extent of 2.48 acres comprised in Survey Nos.340/2 and 340/2A, Velacherry Village Chennai District, Vijaya Nagar of 2nd, 3rd and 4th street within the limit of CMDA and Chennai Corporation.



WEB COPY



W.P.No.31753 of 2022

For Petitioner : M/s.A.V.Bharathi
For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to dispose the Revision Petitions dated 18.08.2022 and 15.09.2022 filed by the petitioner within the stipulated period and consequently direct the respondents to issue patta in favour of the petitioner for the land admeasuring an extent of 2.48 acres comprised in Survey Nos.340/2 and 340/2A, Velacherry Village Chennai District, Vijaya Nagar of 2nd, 3rd and 4th Street within the limit of CMDA and Chennai Corporation.

2.The case of the petitioner is that the petitioner is the owner of the subject property and he made representation seeking issuance of patta and since the same was not considered, the petitioner filed W.P.No.25592 of 2018 before this Court seeking direction to the respondents therein to consider his representation and to issue in his favour. This Court vide order dated 03.10.2018 disposed of the said writ petition by directing the respondents therein to consider the petitioner's representation and pass appropriate orders after affording



W.P.No.31753 of 2022

opportunity to the petitioner and other interested parties, pursuant to which, the second respondent passed an order dated 06.06.2022 and aggrieved by the same, the petitioner preferred revisions before the first respondent and since the same have not yet been considered, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that earlier the petitioner inadvertently made representation before the second respondent who is revisional Authority under the Patta Passbook Act, however, the revisional Authority usurped the power of the original Authority and passed an order dated 06.06.2022. Hence, this Court may set aside the order dated 06.06.2022 and refer the matter to the Tahsildar to pass appropriate orders in terms of Section 10 of the Patta Passbook Act.

4.Since the revisional Authority usurped the power of the original Authority and passed an order, this Court, inorder to ascertain whether the second respondent is aware of the Patta Passbook Act, vide order dated 28.11.2022, directed the second respondent/ District Revenue Officer to appear before this Court on 30.11.2022.



W.P.No.31753 of 2022

WEB COPY

5.Pursuant to the order dated 28.11.2022 made in this writ petition (W.P.No.31753 of 2022), Mr.A.R.A.Jayaraj, District Revenue Officer, Chennai, appeared before this Court today (30.11.2022) and he realized that he had exercised the power of the original Authority and he submitted that he will recall the order and forward the entire papers to the jurisdictional Tahsildar to decide the issue in terms of Section 10 of the Patta Passbook Act.

6.In view of the submission made by the District Revenue Officer, Chennai, this Court issues the following order:

(i)The submission made by the District Revenue Officer, Chennai/ second respondent, is recorded.

(ii)The second respondent is directed to forward the entire relevant papers to the third respondent, after recalling the order passed by him as undertaken before this Court today (30.11.2022), within a period of two weeks from the date of receipt of a copy of this order.

(iii)On receipt of the papers from the second respondent, the third respondent shall conduct enquiry and pass appropriate orders, after providing opportunity to all



W.P.No.31753 of 2022

the necessary parties, within a period of six weeks thereafter.

WEB COPY

7.The writ petition is disposed of with the above directions. No costs.

30.11.2022

pri

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

To

- 1.The Commissioner of Land Administration
O/o.Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.
- 2.The District Revenue Officer,
Chennai Collector's Office,
Chennai – 600 001.
- 3.The Tahsildar,
Velacherry Taluk,
Velacherry,
Chennai – 600 042.



WEB COPY



W.P.No.31753 of 2022

M.DHANDAPANI,J.
pri

W.P.No.31753 of 2022

30.11.2022