



W.P.No.32361 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32361 of 2022

P.Harikrishnan

... Petitioner

Vs.

1. The Special Tahsildar,
Town Survey & Settlement,
Taluk Office,
Madhavaram Taluk,
Madhavaram, Chennai 600 060.

2. G.Saravanan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to initiate necessary enquiry by considering the representation of the petitioner dated 02.08.2022 and consequently cancel the Patta, issued in favour of second respondent bearing No.328 (SR/3337/2016) in respect of property situate in Madhavaram, Madura Lakshmipuram, measuring an extent 0.04 cents (1156 sq.ft.), 0.0107 Hectares or thereabouts comprised in Survey No.1471/12, T.S.No.139/2, Madhavaram Taluk, Chennai District.

For Petitioner

: M/S.S.Udaya Kumar

For R1

: Mr.U.Bharanidharan
Additional Government Pleader



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ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the first respondent to initiate necessary enquiry by considering the representation of the petitioner dated 02.08.2022 and consequently cancel the Patta, issued in favour of second respondent bearing No.328 (SR/3337/2016) in respect of property situated in Madhavaram, Madura Lakshmipuram, measuring an extent of 0.04 cents (1156 sq.ft.), 0.0107 Hectares or thereabouts comprised in Survey No.1471/12, T.S.No.139/2, Madhavaram Taluk, Chennai District.

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

3. The case of the petitioner is that, the petitioner had purchased the aforesaid property from Smt.Padmavathi, under a registered Sale Deed, dated 01.04.2013, vide Doc.No.1876 of 2013. Subsequent to the purchase of the aforesaid property, the petitioner is in continuous possession and enjoyment of the said property. It is stated that the petitioner has obtained Patta from the first respondent/Tahsildar in respect of the aforesaid property.



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While so, the second respondent had created a document titled as Memorandum of Understanding (MOU) and petitioner's signature has been forged and the said document has been submitted before the first respondent. Based on the said document, the first respondent had considered the fabricated MOU and issued Patta in favour of the second respondent. Therefore, the petitioner made a representation dated 02.08.2022 before the first respondent, seeking for cancellation of Patta issued in favour of the second respondent based on the forged document and to transfer Patta in his name. Since the said representation was not considered by the first respondent, the petitioner had filed the present Writ Petition.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice if this Court issues a direction to the first respondent to consider the petitioner's representation dated 02.08.2022 and pass orders within a stipulated time that to be fixed by this Court.

5. The learned Additional Government Pleader appearing for the first respondent has no objection for the said order being passed.



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6. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 02.08.2022 and pass appropriate orders in terms of Section 10 of the Tamil Nadu Patta Passbook Act, 1983 on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the private respondent herein, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and direction, this Writ Petition is disposed of. No costs.

01.12.2022

Index : Yes / No

Speaking Order: Yes/No

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To

The Special Tahsildar,
Town Survey & Settlement,
Taluk Office,
Madhavaram Taluk,
Madhavaram, Chennai 600 060.

M.DHANDAPANI,J.



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