



W.P.No.34201 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.34201 of 2022

R.Dhamodaran

... Petitioner

Vs

The Tahsildar,
Ayanavaram Taluk,
Chennai.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to cancel the patta stands in the name of one K.Nagaraj with regard to the property comprised in Survey No.7/1 Part, New Survey No.7/1A, bearing TS No.153 part, 152, 110, 100 Part, 92 Part, 95 Part, 96 Part, 97 Part, 98 Part, Block No.2, Pymash No.754, situated in Kolathur, Ayanavaram Taluk, Chennai District, measuring an extent of 16128 sq.ft. and subsequently issue a fresh patta in the name of the petitioner based on the petitioner's representation dated 30.11.2022.

For Petitioner : Mr.B.Govindaprabu

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondent to cancel the patta stands in the name of one K.Nagaraj with regard to the property comprised in Survey No.7/1 Part, New Survey No.7/1A, bearing TS No.153 part, 152, 110, 100 Part, 92 Part, 95 Part, 96 Part, 97 Part, 98 Part, Block No.2, Pymash No.754, situated in Kolathur, Ayanavaram Taluk, Chennai District, measuring an extent of 16128 sq.ft. and subsequently issue a fresh patta in the name of the petitioner based on the petitioner's representation dated 30.11.2022.

2. In respect of property at Ts No.97, Jayanthi Nagar Block 2, Kolathur, Chennai, the petitioner claims that he purchased the said property to the extent of 20,863 sq.ft. on 04.02.2011.

3. The said purchase was made from one Jayaraman in whose name the patta originally stood.

4. Subsequently the petitioner noticed that, the patta has been changed in the name of one Nagaraj, who according to the learned counsel for the petitioner, is unknown to the petitioner. Therefore, in



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order to cancel the patta stands in the name of the said Nagaraj and to issue a patta in the name of the petitioner, the petitioner had given a representation on 30.11.2022 to the respondent Tahsildar and in order to consider the said representation and to pass orders thereon after hearing both sides, the petitioner has moved the present writ petition with the aforestated prayer.

5. Heard Mr.B.Govindaprabu, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

6. The learned Special Government Pleader would contend that, if at all the patta stands in the name of Nagaraj, he should be heard and he should have been made as a party in the writ petition without hearing him, no decision can be taken either to cancel the patta stands in the name of Nagaraj or otherwise, anyhow since the representation has been given that would be considered and decided after hearing the said Nagaraj as well as the petitioner on merits within a time frame to be stipulated.



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7. Considering the said submissions made by the learned Special Government Pleader for the respondent, having regard to the aforesated facts and circumstances of the case, this Court is inclined to dispose of this writ petition with the following order:

There shall be a direction to the respondent to consider the representation of the petitioner dated 30.11.2022 and pass necessary orders thereon after hearing both the petitioner as well as the said Nagaraj by giving separate notices to them on merits and in accordance with law within a period of eight weeks form the date of receipt of a copy of this order.

8. With this direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No

Speaking Order : Yes/No

Sgl



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To

The Tahsildar,
Ayanavaram Taluk,
Chennai.



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R.SURESH KUMAR, J.

Sgl

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