



W.P.No.2177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.2177 of 2023

G.Sudakar

... Petitioner

versus

1.Revenue Divisional Officer,
North Chennai @ Madhavaram,
Chennai.

2.Tahsildhar,
Perambur Taluk @ Perumbur,
Chennai District.

3. A.Rajan

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to cause immediate necessary action on the representation dated 12.12.2020 to the second respondent and 09.12.2021 to the first respondent and restore the name of the petitioner's father in patta No.C406 and subsequently transfer it in his name within a time frame that may be fixed by this Court.

Pg.Nos.1/8



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For Petitioner : Mr.D.Daniel

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 and R2
Mr.S.Selvakumar for R3

ORDER

The petitioner has come forward with the present writ petition seeking for issuance of a Writ of Mandamus directing the respondents to take necessary action on the representations dated 12.12.2020 to the second respondent and dated 09.12.2021 to the first respondent and restore the name of the petitioner's father in patta No.C406 and subsequently, transfer it in his name within a time frame that may be fixed by this Court.

2. According to the petitioner, he is the absolute owner of the subject property viz., Plot No.81, comprised in S.No.104/6 situated at Block No.28, Kodungaiyur Village, Perambur Taluk, by virtue of settlement deed dated 17.05.2013, registered as Doc.No.2863 of 2013, on the file of the SRO, Madhavaram. Further, the petitioner raised a loan from Equitas Small



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Finance by pledging the document. While so, one Rajan Aasaithambi and others attempted to encroach the said land and hence, the petitioner filed the suit in O.S.No.2822 of 2018 on the file of the XVI Assistant City Civil Court, Chennai for permanent injunction and obtained *ex-parte* decree on 05.08.2019. Challenging the said *ex-parte* decree, the defendant therein filed a petition to set aside the judgment, which was allowed and the main suit is pending. In the meanwhile, it came to the knowledge of the petitioner that his neighbour fraudulently obtained Patta in his name in respect of the subject property. Hence, the petitioner has given a representation dated 12.12.2020 to the second respondent to cancel the Patta that is standing in the name of his neighbour. However, as there was no response from the second respondent, the petitioner has given a representation dated 09.12.2021 to the first respondent, who in turn, directed the second respondent to conduct an enquiry in the subject matter. However, the second respondent did not conduct the enquiry and had not sent any report to the first respondent, till date. Hence, the petitioner is before this Court by way of filing the Writ Petition.



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3. The learned counsel for the petitioner submitted that originally Assignment Patta, vide Patta No.406 stood in the name of the petitioner's father one Gajendran and the revenue records also were mutated in his name. It is evidencing from the check list for TSLR Register, the land in Plot No.81 comprised in S.No.104/6 stood in the name of the petitioner's father. Subsequently, by mistake, plot Nos.81 and 82 have been given for one and the same person. Therefore, the petitioner made a representation to the official respondents to rectify the mistakes occurred in the Revenue Records. So far, there was no response from the respondents, and hence, the petitioner is before this Court.

4. Mr.V.Veluchamy, learned Additional Government Pleader appearing for respondents, by referring the counter affidavit filed by the second respondent, contended that the petitioner's father was not having any hold on the subject property. As the settlor was not having any hold on the said property, the said deed of settlement is only a sham and nominal document. He further contended that one time order issued by the Government in the year 2013, pertains to certain encroachments in the lands



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classified as "Grama Natham" which were regularised and "Thoraya Pattas" were issued to certain individuals, who were found encroached on the said lands which stand classified as "Grama Natham". The said one time Government Order lapsed on 30.09.2013. The objections/appeal if any shall be considered only after issue of Government Order if any issued in this regard. As of now, even the first respondent cannot pursue the appeal/representation claimed to have been submitted by the petitioner on 09.12.2021 and pass orders.

5. The main grievance of the petitioner is that he has given the representations only to rectify the errors committed in the Revenue Records and to issue new Patta in favour of the petitioner.

6. Considering the facts and circumstances and having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs respondents 1 and 2 to consider the representations of the petitioner



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dated 12.12.2020 and 09.12.2021 and to conduct an enquiry, after issuing notice to all the interested parties, including the third respondent, and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

02.11.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

- 1.The Revenue Divisional Officer,
North Chennai @ Madhavaram,
Chennai.
- 2.The Tahsildhar,
Perambur Taluk @ Perumbur,
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P.VELMURUGAN, J.

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