



WEB COPY



W.P.No.4513 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.4513 of 2023 and
W.M.P.No.4526 of 2023

K.Siva Kumar

... Petitioner

Vs

- 1.The District Collector,
Office of Collectorate,
Ranipet, Ranipet District.
- 2.The District Revenue Officer,
Ranipet – 632 401.
- 3.The Zonal Deputy Tahsildar,
Walajah Taluk,
Ranipet District.
- 4.The Tamil Nadu Wakf Board,
Rep. By its Chairman,
7C, Santhome Highway,
Kamaraj Salai, Nochi Nagar,
Mylapore, Chennai – 600 004.
- 5.Akhal Shah and Anwarsha Makan,
Kabarasthan, Represented by
Muthavalli G.Nezamuddin
Veppur Village (Sunni), Walaja Taluk,
Ranipet District.

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 6.1.2023 and direct them to cancel the bogus Patta issued by the 3rd respondent in favour of the 5th respondent vide Patta No.2278 for the property situated at Veppur Village in Survey No.402/6, 402/7 and 402/8 to an extent of 3.55 acres and remove the Tomb constructed by the 5th respondent without any title in that land.

For Petitioner : Mr.D.S.Ramesh

For Respondents : Ms.Akila Rajendran
Government Advocate for R1 to R3

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 6.1.2023 and direct them to cancel the bogus Patta issued by the 3rd respondent in favour of the 5th respondent vide Patta No.2278 for the property situated at Veppur Village in Survey No.402/6, 402/7 and 402/8 to an extent of 3.55 acres and remove the Tomb constructed by the 5th respondent without any title in that land.

2. The petitioner had given representation on 06.01.2023 to the 1st and 2nd respondents against the patta issued by the 3rd respondent to cancel the same.



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3. Heard Mr.D.S.Ramesh, learned counsel appearing for the petitioner and Ms.Akila Rajendran, learned Government Advocate appearing for the respondents 1 to 3. In view of the order going to be passed in this writ petition, notice to the respondents 4 and 5 is hereby dispensed with.

4. The learned Government Advocate for the official respondents would submit that, as against the order of patta issued by the 3rd respondent Tahsildar, appeal would lie only to the Revenue Divisional Officer concerned to whom no appeal or representation since has been given, the present representation dated 06.01.2023 given to the District Collector and the District Revenue Officer i.e. 1st and 2nd respondents cannot be considered, she contended.

5. I have considered the said submissions made by both sides.

6. In view of the aforestated stand taken by the learned Government Advocate for the official respondents, this Court is inclined to dispose of this writ petition with the following orders:



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That it is open to the petitioner to give proper appeal against the issuance of patta made by the 3rd respondent to the Revenue Divisional Officer concerned within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal to be filed by the petitioner as indicated above, the Revenue Divisional Officer concerned shall pass necessary orders thereon on merits and in accordance with law within a period of six weeks thereafter.

7. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.02.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl



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To

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4. The Chairman,
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R.SURESH KUMAR, J.

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