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Writ Petition No.6974 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.6974 of 2023

Stella

... Petitioner

-Vs-

1. The District Collector,
Chennai District Collector Office,
Chennai – 600 001.
2. The District Revenue Officer,
District Revenue Office,
Chennai – 600 001.
3. The Revenue Divisional Officer,
Revenue Divisional Office, Guindy,
Chennai – 600 028.
4. The Tahsildar,
Tahsildar Office, Greenways Road,
Chennai – 600 028.
5. Shri Vallabha Charya Charities,
represented by its Trustee,
Lord Ramagopal,
S/o.Lord Mohan Krishnadoss,
No.78/95, G.P.Road, Vallabacharya Charities,
Chennai – 600 002.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus, directing the 3rd



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respondent to act fairly and independently and cancel of patta issued in favour of “SHRI VALLABHA CHARYA CHARITIES” in respect of block no.13, survey no.375/133 and 375/248 dated 08.02.2022 and 04.08.2003 in respect of the property situated at Triplicane village, bearing Old No.74, New No.78, General Patters Road, Chennai – 600 002 (Govind Palace) and direct patta to be issued in the name of the petitioner and other legal heirs.

For Petitioner : Mr.Naveen Kumar Murthy
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader [R1
to R4]

ORDER

The prayer sought for herein is for a writ of mandamus directing the 3rd respondent to act fairly and independently and cancel the patta issued in favour of “SHRI VALLABHA CHARYA CHARITIES” in respect of block no.13, survey no.375/133 and 375/248 dated 08.02.2022 and 04.08.2003 in respect of the property situated at Triplicane village, bearing Old No.74, New No.78, General Patters Road, Chennai – 600 002 (Govind Palace) and direct the fourth respondent to issue patta in the name of the petitioner and other legal heirs.

2. In respect of the property situated at Triplicane village, bearing



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Old No.74, New No.78, General Patters Road, Chennai – 600 002

(Govind Palace) in block no.13, survey no.375/133 and 375/248, it is a claim of the petitioner that the property belongs to the petitioner and other three sisters. However, patta has been wrongly issued in the name of the third parties unmindful of the ownership of the property in question by the fourth respondent and it has been given in favour of the fifth respondent. Therefore, in order to cancel the said patta, the petitioner and other three sisters, who are the co-owners of the property in question had given an appeal to the third respondent Revenue Divisional Officer on 25.10.2022. In the said appeal, even though enquiry notice had been issued by the third respondent on 15.02.2023, pursuant to which, though the petitioner and other three sisters appeared before him and produced the document in respect of their contention that the patta issued in the name of the fifth respondent should be cancelled, so far enquiry seems to have not been completed or even if it is completed, no orders have been passed by the third respondent Revenue Divisional Officer and in this context, whether the fifth respondent has been summoned by the third respondent or not is not known to the petitioner, assuming that the fifth respondent also was summoned by the



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third respondent, what documents, the fifth respondent had produced on his behalf to make him eligible to get patta issued by the fourth respondent in his favour have been produced before the third respondent is also not known to the petitioner. Therefore all along the petitioner has been kept in the dark. Hence, in order to conduct a fair enquiry and a fair disposal of the appeal filed by the petitioner and other three sisters before the third respondent, the petitioner has moved the present writ petition with the aforesaid prayer.

3. Reiterating the aforesaid Mr.Naveen Kumar Murthy, learned counsel appearing for the petitioner seeks indulgence of this Court.

4. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 4, who would submit that even though the appeal has already been filed and it is pending before the third respondent, where enquiry has been conducted after giving an opportunity of being heard to both the petitioner as well as the fifth respondent, in whose favour already the patta was issued by the fourth respondent, which is under challenge before the third respondent, the



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said appeal would be accordingly considered and decided on merits and in accordance with law by the third respondent within a time frame that may be stipulated by this Court.

5. In view of the order going to be passed in this writ petition, notice to the private respondent is hereby dispensed with.

6. Having regard to the said submission made by the learned counsel appearing for both sides, especially the stand taken by the learned Special Government Pleader appearing for the official respondents, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the third respondent to complete the enquiry already been commenced in respect of the appeal filed by the petitioner and other three sisters on 25.10.2022 in respect of the property referred to above and in this regard, further opportunity is to be given to the petitioner and the private respondent, the same shall be given and thereafter, final order shall be passed on merits and in



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accordance with law by the third respondent within a period of

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With this direction, this writ petition is disposed of. No costs.

03.03.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

To

1. The District Collector,
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R. SURESH KUMAR, J.



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