



W.P.No.12972 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.05.2023**

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P.No.12972 of 2023

Salam Basha

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Villupuram.

2.The Sub Collector,
Sub Collectorate,
Tindivanam.

3.The District Revenue Officer,
O/o. District Revenue Officer,
Villupuram.

4.The Tahsildar,
Taluk Office,
Melmalaiyanur Circle,
Villupuram.

5.Sheikh Babu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider and dispose of petitioner's representation dated 15.02.2023 and consequently direct the respondents to cancel the name of the fifth respondent in the patta in



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Patta No.420 for Survey No.388/8, and to issue separate patta in the name of the petitioner's father.

For Petitioner : Ms.R.Madhu Bala

For Respondents : Mr.V.Manoharan,
Additional Government Pleader
for respondents 1 to 4

ORDER

This writ petition has been filed by the petitioner seeking issuance of a writ of mandamus directing respondents 1 to 4 to consider and dispose of the petitioner's representation dated 15.2.2023 and consequently direct the respondents to cancel the patta issued in the name of the fifth respondent in Patta No.420 for Survey No.388/8 and to issue a separate patta in the name of the petitioner's father.

2. The case of the petitioner is that the land measuring an extent of 77 cents comprised in Survey No.388/8 situated at Sevalpurai Village, Melmalaiyanur Taluk, Villupuram District, originally belonged to the petitioner's grandmother Fathima Bee and she had settled 39 cents in favour of the petitioner's father Jana Jailabhudeen and 38 cents in favour of Sheikh Babu through registered documents dated 6.7.1990. Though only 38 cents was settled in favour of the fifth respondent Sheikh Babu, he had obtained patta



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bearing Patta No.420 for the entire extent of land. On knowing about the issuance of patta in favour of the fifth respondent for the entire land measuring 77 cents comprised in Survey No.388/8, the petitioner has submitted a representation dated 15.2.2023 to the respondent authorities to cancel the patta issued in favour of the fifth respondent and issue a separate patta for 39 cents in favour of petitioner's father. Despite receipt of the said representation, no action was taken by the respondent authorities till date. Hence, the petitioner has filed the present writ petition.

3. Today, when the writ petition is taken up for hearing, learned Additional Government Pleader appearing for the official respondents, submitted that if eight weeks' time is granted, the respondent authorities will consider and pass orders on the representation of the petitioner.

4. In the light of the submission made by learned Additional Government Pleader, without going into the merits of the matter, this Court hereby directs the respondent authorities to consider and pass orders on the representation of the petitioner dated 15.2.2023 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after notice to all concerned, including the fifth respondent.



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5. In view of the aforesaid direction issued by this Court, the consequential prayer made by the petitioner to cancel the patta issued in favour of the fifth respondent and to issue a separate patta in favour of the petitioner's father in respect of 39 cents cannot be considered at this juncture and it is for the respondent authorities to decide the same based on order to be passed on the representation dated 15.2.2023 after enquiring all parties concerned.

6. With the above direction, the writ petition is disposed of. There will be no order as to costs.

05.05.2023

Internet : Yes /No
Neutral Citation : Yes/No
sasi/bbr



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To

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A.D.JAGADISH CHANDIRA,J

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