



WEB COPY



Writ Petition No.18

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.18798 of 2023

S.Malliga

D/o.Somasundaram

...Petitioner

Vs

1.The District Collector,
Kancheepuram Collector Office,
Kancheepuram District.

2.The Revenue Divisional Officer,
Kancheepuram District.

3.The Tahsildar,
Uthiramerur Taluk,
Kancheepuram District.

4.Amirtham Ammal
W/o.(Late) Somasundaram

5.S.Natarajan
S/o.(Late) Somasundaram

6.S.Selvarajan
S/o.(Late) Somasundaram

7.S.Sundararajan
S/o.(Late) Somasundaram

... Respondents



PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the third respondent to conduct an overt enquiry upon the representation dated 14.11.2022 and dispose of in accordance with law.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.N.Naveen Kumar
Government Advocate [R1 to R3]

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 3rd respondent to conduct enquiry based on the representation made by the petitioner on 14.11.2022, wherein, the petitioner has sought for the cancellation of the patta granted in favour of the private respondents.

2.Heard Mr.M.Sankar, learned counsel appearing on behalf of the petitioner and Mr.N.Naveenkumar, learned Government Advocate appearing on behalf of the respondents 1 to 3.

3.The private respondents were issued patta by the 3rd respondent based on a Settlement Deed alleged to have been executed by her mother on 18.12.2014. According to the petitioner, this Settlement Deed is a fraudulent document which will not bind the



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petitioner. Hence, the petitioner made an application to the 3rd respondent for cancellation of patta. Since the same was not considered, the present writ petition has been filed before this Court.

4.If the petitioner is aggrieved by the Settlement Deed executed in favour of the private respondents, the petitioner has to first challenge the Settlement Deed and seek for the cancellation of the same in the manner known to law. Only thereafter, the petitioner can approach the Tahsildar seeking for cancellation of patta. Without undertaking the exercise of canceling the Settlement Deed, no useful purpose will be served in directing the Tahsildar to consider the representation at this stage. Except giving this clarity, no further orders can be passed in this writ petition.

5.Accordingly, this writ petition is disposed of. No Costs.

27.06.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
ssr



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N.ANAND VENKATESH, J

SSR

To

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