



W.P.No.30537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30537 of 2023

P.Kumar

... Petitioner

versus

1.The Tahsildar,
Sriperumbattur Taluk Office,
Kancheepuram District.

2.The Tahsildar,
Kundrathur Taluk Office,
Kurndrathur,
Kancheepuram District.

3.The District Revenue Officer,
District Revenue Officer,
Kancheepuram,
Kancheepuram District.

4.Yogakannan

.... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to consider the petitioner's application dated 22.07.2016 and consequently direct the second respondent to cancel the patta bearing No.342 in connection with Survey

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No.363/1B to an extent of 0.43.5 Hectares situated at Padappai Village, Sriperumbudur Taluk, (Presently Kundrathur Taluk) Kancheepuram District issued in favour of the 4th respondent.

For Petitioner : Mr.K.Kannadasan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 to R3
R4- Tapal returned as 'insufficient address'

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the second respondent to cancel the Patta bearing No.342 in connection with Survey No.363/1B measuring an extent of 0.43.5 Hectares situated at Padappai Village, Sriperumbudur Taluk, (Presently Kundrathur Taluk) Kancheepuram District, issued in favour of the fourth respondent, by considering the petitioner's application dated 22.07.2016.

2. The learned counsel for the petitioner submitted that the petitioner has submitted an application dated 22.07.2016 to the District Collector,

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Kancheepuram, wherein and whereby, he sought to cancel the Patta bearing No.342 issued in favour of the fourth respondent and the same was forwarded to the third respondent for further proceedings. Subsequently, the petitioner was directed to appear before the first respondent for enquiry on 22.12.2016 and he was also appeared for enquiry along with necessary documents, thereafter he has not received any communication from the respondents. Subsequently, again the petitioner was directed to appear for enquiry on 02.06.2022 before the second respondent and he was informed that after conducting field investigation alone, they will take steps to cancel the Patta issued in favour of the fourth respondent. Since there was no response from the official respondents, the petitioner is before this Court.

3. The learned Special Government Pleader appearing for respondents 1 to 3 submitted that the second respondent may be directed to consider the petitioner's application and pass orders on merits in accordance with law.

4. Heard the learned counsel for the petitioner and the learned Special



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Government Pleader appearing for respondents 1 to 3 and perused the materials available on record.

5. This Court on 30.10.2023 ordered notice through Court and privately to the fourth respondent. The Court notice is awaited and the private notice was returned with an endorsement "insufficient address". Since no adverse order is being passed as against the fourth respondent, notice to the fourth respondent is dispensed with.

6. 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, the second respondent is directed to consider the application of the petitioner dated 22.07.2016, and pass appropriate orders, on merits and in accordance with law, after giving notice to the petitioner, all the interested parties, rival claimants and/or adjacent owners, including the fourth respondent, within a period of two months from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

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

- 1.The Tahsildar,
Sriperumbattur Taluk Office,
Kancheepuram District.
- 2.The Tahsildar,
Kundrathur Taluk Office,
Kurndrathur,
Kancheepuram District.
- 3.The District Revenue Officer,
District Revenue Officer,
Kancheepuram,
Kancheepuram District.

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P.VELMURUGAN, J.

ms

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