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W.P.No.34647 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34647 of 2022

D.Diliraj

.... Petitioner

-Vs-

1 The Tahsildar
Sholinganallur Tahsildar Office
No.1 Rajiv Gandhi Salai Ist Cross Street
Sholinganallur Chennai-600 119.

2 The Revenue Inspector
Sholinganallur Revenue Inspector Office
V6VH Plus 235 Sholinganallur
Chennai-600 119.

3 The Village Administrative Officer
Sholinganallur-I Sholinganallur
Chennai-600 119.

4 Ashok Vargheese

5 Anand Jacob Vargheese

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioners representation dated 05.04.2022 and consequently direct the 1st respondent to cancel the patta issued to the 4th and 5th respondents herein and to issue joint patta in the name of the petitioner and in the name of his brothers in respect of the Survey No. 259/2 R.S.No. 259/16 and 259/20 at Door. No. 4/467 A 3rd Street Saminathan Nagar Kottivakkam Chennai-41.



W.P.No.34647 of 2022

For Petitioner : Dr.R.Gouri
For Respondent : Mr.R.P.Muruganraja
Government Advocate – for RR 1 to 3

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to consider the petitioners representation dated 05.04.2022 and consequently direct the 1st respondent to cancel the patta issued to the 4th and 5th respondents herein and to issue joint patta in the name of the petitioner and in the name of his brothers in respect of the Survey No. 259/2 R.S.No. 259/16 and 259/20 at Door. No. 4/467 A, 3rd Street , Saminathan Nagar Kottivakkam Chennai-41.

2. Insofar as the property at Survey No. 259/2 R.S.No. 259/16 and 259/20 at Door. No. 4/467 A, 3rd Street , Saminathan Nagar Kottivakkam Chennai-41, it is the claim of the petitioner and two brothers who have inherited the property and they have been enjoying the same. While so, the private respondents ie., respondents 4 and 5 seems to have made a claim that they purchased the property from third parties. Therefore the petitioner along with his two brothers filed a civil suit in O.S.No.658 of 2006 on the file of the Munsif Court, Alandur for declaration and permanent injunction. The suit was tried and decreed by a judgment and decree dated 22.10.2021, whereby the suit property has been declared as belongs to the petitioner and his brothers and the private



W.P.No.34647 of 2022

respondents herein as well as the other defendants in the suit have been restrained from interfering with the peaceful possession and enjoyment of the property by the petitioner and his brothers.

3. However, during the pendency of the suit, the private respondents seems to have made a request to the revenue authorities to mutate the revenue records in their name and patta seems to have been issued in the name of the private respondents. Therefore, in order to cancel the patta in the name of the private respondents and re-issue the patta in the name of the petitioner and his brothers, the petitioner has given a representation dated 05.04.2022 to the 1st respondent Tahsildar and the said representation since has not been considered, the petitioner has moved the present writ petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the official respondents.

5. Learned Government Advocate would submit that, based on the civil court decree necessary action would be taken on the representation of the petitioner dated 05.04.2022 and orders to that effect would be passed making proper mutation in the revenue records by issuance of joint patta in the name of the petitioner and his brothers, if they are otherwise eligible to get the same,



W.P.No.34647 of 2022

within a time frame that may be stipulated by this Court.

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6. Having regard to the said submission of the learned Government Advocate and taking note of the facts, where the petitioner is fortified with the civil court decree, which according to the learned counsel for the petitioner has become final, this Court feels that there could be no further impediment for the first respondent to consider the representation of the petitioner dated 05.04.2022 in the light of the civil court decree dated 22.10.2021 in O.S.No.658 of 2006 and pass necessary orders with regard to the plea of the petitioner for issuance of joint patta in the name of the petitioner and his two brothers, of course after giving an opportunity of being heard to the petitioner as well as the private respondents. The needful as indicated above shall be undertaken within a period of six weeks from the date of receipt of a copy of this order. With the above directions, this writ petition is disposed of. No costs.

02.01.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST



W.P.No.34647 of 2022

To

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WEB COPY



W.P.No.34647 of 2022

R. SURESH KUMAR, J.

KST

W.P.No. 34647 of 2022

02.01.2023