



WEB COPY



W.P.No.9426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.No.9426 of 2023

N.Mari @ Mariyammal

...Petitioner

Vs

The District Revenue Officer,
Tiruvallur District,
Office of the District Collector,
Collectorate,
Chinna Ekkadu, Jaya Nagar,
Master Plan Complex,
NH-205, Tiruttani Road,
Tiruvallur – 602 001.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to consider and dispose of the petitioner's Revision Petition dated 27.12.2017 within a stipulated time fixed by this Court. Consequently, to direct the respondent District Revenue Officer, Tiruvallur District to set- aside the illegal proceeding in Na.Ka. No. 1436 / 2017 / A2 dated 01.12.2017 passed by the Revenue Divisional Officer Tiruttani Revenue Division



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and to restore/issue the Patta No. 4883 in the name of Petitioner Mangalore Tiled House in Old S.No.25/1 New S.No. 25/3, now subdivided as S.No.25/3A5 measuring about to an extent of 2 cents out of 14 cents situated at Tiruttani Town and Taluk, Tiruvallur District.

For Petitioner : Mr.R.Anandha Babu
For Respondent : Mr.P.Sathish
Add.Govt Pleader

ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard the learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondent.

3. Learned counsel for the petitioner would submit that the petitioner is the owner of Mangalore tiled house in Old S.No.25/1, New S.No.25/3, now subdivided as S.No.25/3A5 measuring to an extent of 2 cents out of 14 cents situated at Tiruttani Town and Taluk, Tiruvallur



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District. The petitioner's mother had settled the said property in favour of the petitioner under the registered Will dated 04.10.2012 in document No.34 of 2012 on the file of Sub Registrar Office, Tiruttani. After the death of his mother, he was in possession and enjoyment of the property. At this juncture, the respondent revenue authority had issued a patta in his favor vide Patta No.4883. Subsequently, the respondent namely, the Revenue Divisional Officer, Tiruttani Revenue Division, Tiruvallur District has illegally cancelled the Patta vide proceeding in Na.Ka.No.1436/2017/A2 dated 01.12.2017 and erroneously changed the patta in the name of Mr.N.Venkatesan without analysing the valid documents and proper enquiry.

(ii). Challenging the said proceeding issued by the respondent, the petitioner had filed a Revision Petition dated 27.12.2017 before the respondent District Revenue Office, Tiruvallur District to set aside the proceeding in Na.Ka.No.1436/2017/A2 dated 01.12.2017 and to restore the Patta in his favour. Since the revision petition was not considered by the respondent, the present Writ Petition has been filed.



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4. The learned Additional Government Pleader appearing for respondent would submit that eight(8) weeks time limit may be given to the respondent to consider the revision petition preferred by the petitioner and by calling for enquiry and then pass necessary orders.

5. Taking into consideration the nature of relief sought for in this writ petition and also looking into the averments made in this writ petition, this court is of the considered opinion that a duty is cast upon the Statutory Authority viz., respondent to consider the revision petition preferred by the petitioner on its own merits and pass appropriate orders.

6. In such view of the matter, without going into the merits of the claim of the petitioner, there shall be a direction to the respondent herein to consider the revision petition preferred by the petitioner and pass appropriate orders within a period of eight(8) weeks from the date of receipt of a copy of this order.



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7. With the above direction, the Writ Petition stands disposed of.

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No costs.

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Index: Yes/No
msv

To

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