



WEB COPY



W.P.No.3933 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.3933 of 2023

Mrs.A.Vijayalakshmi

... Petitioner

-Vs-

1. The District Collector,
Chengalpattu,
Office of the District Collector,
Chengalpattu District.

2. The Tahsildar, Vandalur,
Office of the Tahsildar,
Vandalur.

3. Mr.N.Palani

4. Mrs.Gowri

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to dispose petitioner representation dated 23.07.2022 pending on the file of the second respondent in accordance with law.

For Petitioner : Mr.J.N.Naresh Kumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader [R1
& R2]



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ORDER

The prayer sought for herein is for a writ of mandamus directing the 2nd respondent to dispose the petitioner representation dated 23.07.2022 pending on the file of the second respondent in accordance with law.

2. In respect of the land at property at 1B, Mahalaxmi Illam, Sri Sarveswari Nagar, Ayyancheri, Oorapakkam, Chennai, it is a claim of the petitioner that the property belongs to the petitioner's late husband one P.Loganathan, who died on 20.02.2017. The petitioner and her only daughter are the legal heirs of the deceased person and the said property since stood in the name of the deceased husband of the petitioner, the property has to be inherited only by the petitioner and her daughter.

3. When that being so, the petitioner's in-laws, who are the parents of the petitioner's husband seems to have obtained a patta from the Tahsildar concerned by producing the legal heir certificate, which has in fact subsequently been cancelled by the District Collector. Therefore, in order to cancel the said patta issued in the name of the petitioner's in-laws



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i.e., third and fourth respondents and to issue patta in the name of the petitioner and her daughter, the petitioner has given a representation on 23.07.2022 to the second respondent Tahsildar and to consider the same, the petitioner has moved the present writ petition.

4. Heard Mr.J.N.Naresh Kumar, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the official respondents.

5. In view of the order going to be passed in this writ petition, notice to the private respondents is hereby dispensed with.

6. Learned Special Government Pleader appearing for the official respondents would submit that, as against the order passed by the second respondent Tahsildar issuing patta in favour of the private respondents, appeal has to be preferred under Section 12 of the Patta Pass Book Act, 1983 before the Revenue Divisional Officer concerned, however, since the petitioner has given a representation to the Tahsildar by way of review, therefore, if at all the petitioner comes forward to make an appeal before the Revenue Divisional Officer, the same would be considered by the



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Revenue Divisional Officer on merits and in accordance with law.

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7. Considering the said submission made by the learned Special Government Pleader appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That it is open to the petitioner to file an appeal instead of representation dated 23.07.2022 to the Revenue Divisional Officer, Tambaram against the patta issued in the name of the private respondents pertaining to the property in question within a period of two weeks from the date of receipt of a copy of this order and on receipt of such appeal from the petitioner, the same shall be decided by the Revenue Divisional Officer concerned after giving an opportunity of being heard to both the petitioner as well as the private respondents within a period of six (6) weeks thereafter.
- ◆ Since the Revenue Divisional Officer, Tambaram is not a party to this writ petition, Registry is directed to forward the copy of this order to the Revenue Divisional Officer, Tambaram for necessary action as indicated above.



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With these directions, this writ petition is disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No

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To

1. The District Collector,
Chengalpattu,
Office of the District Collector,
Chengalpattu District.
2. The Tahsildar, Vandalur,
Office of the Tahsildar,
Vandalur.



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R. SURESH KUMAR, J.

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