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W.P.No.5203 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.5203 of 2024

P.Veeman

... Petitioner

Vs

1.The District Revenue Office,
Gingee Taluk,
Villupuram District.

2.The Revenue Divisional Officer,
Gingee Taluk,
Villupuram District.

3.Taluk Head Surveyor,
Gingee Taluk,
Villupuram District.

4.The Tahsildar,
Gingee Taluk,
Villupuram District.

5.Alamelu

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of



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India seeking Writ of Mandamus, directing the 1 to 4 respondents to revoke the wrong illegal house site Patta No.332 favour of the 5th respondent and grant Patta in the land of the petitioner's property admeasuring 25 cents comprised in Villupuram District, Gingee Taluk, Vallam SRO Village 195 (SERVILAGAM)Old Sy.No.20/18B and new Sy.No.20/19 by considering the petitioner's representation dated 04.11.2023.

For Petitioner : Mr.R.Rajarajan
For Respondents 1 to 4 : Mr.M.R.Gokul Krishnan
Additional Government Pleader
For 5th Respondent : Served – No Appearance

ORDER

The petitioner seeks a mandamus to the respondents 1 to 4 to revoke the illegal house site patta granted in favour of the 5th respondent and grant patta in respect of the subject property to the petitioner after considering his representation dated 04.11.2023.

2. The petitioner would submit that the subject property was



mortgaged by his mother Lakshmiammal as early as on 19.11.1952 and she had discharged the mortgage, but, however, due to lack of knowledge, they had not got the discharge of mortgage recorded in the Encumbrance Certificate. The petitioner would submit that he is the owner of the property, however, there is no tracing of title and the affidavit has been filed in support of the petition also does not clarify the same.

3. Be that as it may, the petitioner would state that he has made an application to the 4th respondent to survey the land and transfer the patta in his name, after cancelling the patta in the name of the third party. The petitioner would further submit that his son had given a representation to the Revenue Divisional Officer, Gingee and Tahsildar on 20.01.2022, followed by yet another representation on 06.03.2023. The Revenue Inspector, Vallam Division, Gingee Taluk, Villupuram District had made an inspection and forwarded the report to the Tahsildar of Gingee stating that the property measuring 10 ares



comprised in Survey No.20 / 18B is classified as unassessed waste land and the property measuring 0.04.0 ares in Survey No.20/19 is wrongly stands in the name of Alamelu Ammal. He has also filed a report recommending that the survey may be conducted and patta for the aforesaid property may be transferred to the name of the petitioner. Thereafter, the petitioner had forwarded yet another representation dated 04.11.2023 to the respondents to conduct an enquiry and grant patta and the same is still pending. Meanwhile, a portion of property measuring to an extent of 10 ares in Survey No.20/18B was resurveyed and sub divided as Survey No.20/19 and the same was assigned as free house site patta to Alamelu Ammal, the 5th respondent. Aggrieved by the same, the petitioner submitted the representation on 04.11.2023 and the respondents not considered his representation, the petition is before this Court, sought for a mandamus to the respondents 1 to 4 to revoke the illegal house site patta.

4. Heard the learned counsels on either side.



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5. Considering the fact that the representation of the petitioner which is made as early as on 20.01.2022 has not seen the light of the day and kept pending, this writ petition is allowed and a mandamus is issued to the respondents 1 to 4 to consider the petitioner's representation and after issuing notice to the petitioner and the 5th respondent and after giving them a personal hearing, the respondents 1 to 4 shall proceed to dispose of the representation of the petitioner dated 04.11.2023, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

06.12.2024

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

ssn

To

1.The District Revenue Office,
Gingee Taluk,
Villupuram District.

2.The Revenue Divisional Officer,

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Gingee Taluk,
Villupuram District.

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3.Taluk Head Surveyor,
Gingee Taluk,
Villupuram District.

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4.The Tahsildar,
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