



W.P.No.6623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 6623 of 2024

S.Rajendran

... Petitioner

versus

1. The Tahsildar,
Tahsildar Office,
Thiruvallur Taluk,
Thiruvallur District.

2.S.Ambikeshwaran
3.A.Sumathi

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to pass orders on the enquiry conducted in Na.Ka.No.254/2022/AA2 dated 16.03.2022 to mutate patta in the name of S.Rajendran and Chakati Rajamma.

For Petitioner : Mr.P.Krishnan

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1

ORDER

Pg.Nos.1/6



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Mr.A.Selvendran, learned Special Government Pleader accepts notice for the first respondent. Since this writ petition is being disposed of without passing any adverse orders against respondents 2 and 3 affecting their interest, notice to those respondents is dispensed with.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the first respondent to pass orders on the enquiry conducted in Na.Ka.No.254/2022/AA2 dated 16.03.2022 to mutate Patta in the name of the petitioner S.Rajendran and his sister Chakati Rajamma.

3. The learned counsel for the petitioner submitted that one R.Sivaprakasam, adopted the petitioner herein and his sister S.Rajammal. During his life time, the said R.Sivaprakasam has purchased two house plots in Survey No.427/1 part, situated at Koduvalli Village, Thiruvallur Taluk and he died intestate on 28.06.1991, leaving behind the petitioner and his sister as his legal heirs. When the petitioner approached the Village Administrative Officer to mutate joint Patta in the name of the petitioner and his sister, it came to the light that respondents 2 and 3 have already obtained



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Patta in respect of the above house plots on the basis of the documents produced by them. Hence, the petitioner has give a representation to the District Collector, Chennai to cancel the alleged legal heirship certificates dated 16.10.1991 and 06.04.1998 and to issue fresh legal heir ship certificate mentioning the petitioner's name and his sister's name as the legal heirs of Late R.Sivaprakasam. While so, the first respondent herein cancelled the said legal heir ship certificates. Subsequently, the second respondent conducted an enquiry and issued legal heir ship certificate of R.Sivaprasam in the name of the petitioner and his sister. Thereafter, the petitioner sent a representation dated 07.10.2021 to the first respondent to cancel Patta No.6223 issued in the name of respondents 2 and 3 herein and to issue joint Patta in the name of the petitioner and his sister. Subsequently, the first respondent issued summons dated 16.03.2022 calling upon the petitioner and respondents 2 and 3 herein for enquiry on 05.04.2022. Though the enquiry was conducted on 05.04.2022, till date, no final order has been passed. Hence, the petitioner is constrained to file the present writ petition.

4. The learned Special Government Pleader appearing for the first respondent submitted that since there was a dispute regarding UDR Patta



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only, the District Revenue Officer has to pass appropriate order. Since the writ petition is only coming up for admission, it is not known as to whether the Tahsildar issued summons, conducted enquiry and submitted a report to the District Revenue Officer.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent and perused the materials available on record.

6. Since the matter is pending from the year 2022, the first respondent is directed to issue fresh notice to the petitioner and respondents 2 and 3 as well as rival claimants/interested parties if any, and conduct enquiry into the matter and pass appropriate orders, on merits and in accordance with law, if the same is within the jurisdiction of the first respondent/Tahsildar. If the first respondent has already not conducted the enquiry and passed orders, if at all the subject matter of the dispute is not within his jurisdiction the first respondent/Tahsildar may be directed to conduct enquiry and forward the report to the District Revenue Officer. After enquiry, the petitioner is also at liberty to approach the District Revenue Officer.

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7. With the above directions, the writ petition is disposed of.

However, there shall be no order as to costs.

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

The Tahsildar,
Tahsildar Office,
Thiruvallur Taluk,
Thiruvallur District.

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