



W.P.No.8599 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.8599 of 2019

Mrs.Parvathi

...Petitioner

-Vs-

- 1.The Secretary,
Revenue and Disaster Management,
Secretariat,
Chennai – 9.
- 2.The District Collector,
Collectorate of Kanchipuram,
Kanchipuram.
- 3.The Commissioner of Land Administration,
Ezhilaham,
Chennai.
- 4.The District Revenue Officer,
Kanchipuram District,
Kanchipuram.
- 5.The Tahsildar,
Thiruporur Taluk,
Kanchipuram.
- 6.The Inspector of Police,
Thiruporur Police Station,
Thiruporur.
- 7.K.Allai @ Allaiappan



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8.R.Karpagam

9.Kanniyammal @ Chinnakutti

10.K.Gajendran

11.K.Sankar

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the fourth respondent to consider the petitioner's representation dated 10.01.2019 to cancel the Patta No.55 issued in the name Karthirvel Naidu S/o.Kishdappa Naidu in respect of Survey No.223/2A1 and consequently directing the fourth respondent to issue patta in the name of the petitioner based on her documents and pass such further orders.

For Petitioner : Mr.K.Jayaraman

For R1 to R6 : Mr.K.Surendran
Additional Government Pleader

For R7 to R9
& R11 : Mr.P.Thiyagu

For R10 : M/s.V.Srimathy

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the fourth respondent to consider the petitioner's representation dated 10.01.2019 to cancel the Patta No.55 issued in the name Karthirvel



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Naidu S/o.Kishdappa Naidu in respect of Survey No.223/2A1 and consequently directing the fourth respondent to issue patta in the name of the petitioner based on her documents.

2. The facts of the case in a nutshell:-

2.1 The petitioner is the daughter of Mrs.Vasantha and Mr.P. Radhakrishnan Naidu, her maternal grandparents are Mr.Krishnan Naidu (late) and Tmt.Navaneethammal (late). The petitioner's mother is the only daughter of her maternal grandparents and she is the only child of her parents Mrs.Vasantha and Mr.P.Radhakrishnan. The maternal grandmother, Mrs.Late Navaneethammal, W/o.Mr.Krishnan bought 72 cents of land in Survey No. 223/2, through registered sale deed vide document No.1035/1982 registered before the SRO Chengalpet and her maternal grandfather, Mr.Krishnan Naidu (late) received 70 cents of land by way of family settlement at Alandur Village, Thiruporur Division, in survey no.223/2, the same was registered in Document No.137/1953 by the SRO, Chengalpet and the same was maintaining and enjoying the same.

2.2 The said properties in survey no.223/2A1 measuring about 1



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acre 42 cents owned by her maternal grandparents, Mr.Krishnan Naidu (late) and Tmt.Navaneethammal (Late). In the year 1972, her maternal grandfather, Krishnan has died and thereafter in the year 1994, her maternal grandmother, Navaneethammal, sold 40 cents of land in the above said 1 acre 42 cents to another person. The remaining 1 acre, in survey no.223/2A1 was maintained and enjoying the same by her maternal grandmother, Tmt. Navaneethammal and she never sold any part of this 1 acre land to anyone until her demise.

2.3 In the year 1997, her maternal grandmother, Tmt.Navaneethammal also died. Thereafter the petitioner is the only legal heir of the said late Krishan, Navaneethammal and Vasanthi, she is enjoying and possession for the 1 acre land in survey no.223/2A1. Subsequently, the petitioner came to know that in the said survey number a patta was issued in the name of one Mr.Kathirvel, who is the relative of her family and has provided wrong information to the Government, stating that he is the son of the petitioner's maternal grandparents, Mr.Krishnan Naidu and Tmt.Navaneethammal and received the patta in his name. The said Karthirvel father name is Kuppusamy but he fraudulently got this patta stating that he is the son of her maternal grandparents. Aggrieved by the same, the petitioner has approached this Court by way of filing this present writ petition.



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3. Learned counsel for the petitioner submitted that she had given a representation to the respondents on 10.01.2019 to cancel the patta no.55 for the Survey No.223/2A1 in the name of Karthirvel and issue patta in her name based on her documents, but till date no action has been taken by the respondents.

4. Learned Additional Government Pleader appearing for respondents 1 to 6 on written instructions vide proceedings Na.Ka.No.12112/2024/Aa4 submitted that the enquiry has been fixed by the District Revenue Officer (DRO), Chengalpet, on 27.06.2024.

5. Heard both sides and perused the materials available on record.

6. In view of the above submission made by the learned counsel on either side, this Court without going into the merits of the case, directs the fourth respondent to consider the petitioner's representation dated 10.01.2019 by conducting a detailed enquiry after giving due notice to both parties, affording an opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take



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into consideration of all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of three months from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observation an direction. No costs.

13.06.2024

cda
Index : Yes/No
Speaking/Non Speaking order

To



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J.SATHYA NARAYANA PRASAD, J.

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