



W.P.No.24189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 24189 of 2023

Mulla Taher Bhai

...Petitioner

Vs.

1.Revenue Divisional Officer
Chennai South, Guindy,
Chennai 32.

2.The Tahsildar
Sholinganallur,
No.3, First Street, Kumaran Nagar,
Rajiv Gandhi Salai,
Sholinganallur,
Chennai 119

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to conduct the enquiry in the file No. Na.Ka. No.A2/ 2576/ 2020 dated 08.02.2021 after affording opportunities to the petitioner.



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For Petitioner : Mr. Krishna Ravindran
For Respondents : Mr. M.R.Gokul Krishnan
1 & 2 Additional Government Pleader.

ORDER

The petitioner contends that he is the absolute owner of the Plot Nos.19 and 19 A, measuring 4 grounds 1630 Sq.ft., comprised in R.S.No.312/2 (Part), present Survey No.312/14, Sri Venkateswara Colony, Nehru Nagar, Kottivakkam Village, Chennai.

2. The larger extent of the property belonged to T.C.Subbaraju and R.Venugopal. They had developed the layout, namely, Sri Venkateswara Colony (Nehru Nagar). The aforesaid properties were sold to one Dr.V.S.Chandrasekhar on 22.12.1965. He sold the same to one Ganeshlal Gopilal on 27.10.1989. From the said Ganeshlal Gopilal, the petitioner purchased the property under a registered sale deed dated 30.05.2005.



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3. The petitioner would submit that the original land owners had retained a portion of the lands promoted by them and the unsold plots were enjoyed by the legal representatives of the original land owners. One of the legal representatives, namely, Kamala Prakash, had executed a general power of attorney in respect of her share which was wrongly shown to be situated in a part of the petitioner's land. Therefore, the petitioner filed O.S.No.192 of 2016 on the file of the Additional District Munsif, Alandur, for a permanent injunction and to cancel the general power of attorney. The suit was decreed in his favour on 14.11.2019, against which there was no appeal.

4. Meanwhile, when the petitioner had checked online, he discovered that the patta issued to him had been cancelled and had reflected the name of the legal representatives of the original land owners.



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5. The petitioner would submit that he had not received any notice of enquiry before the change was effected. Therefore, he sent a detailed representation dated 23.10.2020, calling upon the 1st respondent to conduct enquiry and cancel patta. This application has been kept pending since then. Once again the petitioner sent a reminder on 08.02.2021, to expedite the hearing. However, there was no response. Thus aggrieved, the petitioner is before this Court.

6. Heard the learned counsels on the either side and perused the records.

7. It is rather unfortunate that the 1st respondent has failed to take up for consideration the representation made by the petitioner dated 23.10.2020, although 4 years have lapsed since the date of the representation. The 1st respondent has failed to perform his statutory duty cast upon him.



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8. Therefore, a mandamus is issued to the 1st respondent to conduct enquiry based on the representation of the petitioner dated 23.10.2020, which is once again renewed on 08.02.2021, by issuing notice, affording personal hearing to the petitioner to put forth his case as well as the documents and pass speaking orders, within a period of 8 weeks from the date of receipt of a copy of this order. In case of a rejection, speaking order shall be passed.

9. Accordingly, the Writ Petition is allowed. No costs.

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Index : Yes/No
Internet : Yes/No
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