



WEB COPY



WP.No.33646 of 2024

In the High Court of Judicature at Madras

Dated : 05.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.33646 of 2024

C.D.Meiyappan

...Petitioner

Vs

- 1.The District Revenue Officer,
VOC Nagar, Chengalpattu,
Ammanambakkam,
Tamil Nadu-603001.
- 2.The Revenue Divisional Officer,
Tambaram Kadaperi, Tambaram,
Chennai. Tamil Nadu-600045.
- 3.The Tahsildar, Pallavaram
Taluk Office, Pallavaram,
Chennai-600044.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to direct the 3rd respondent to consider the Representation dated 26.8.2024 to conduct enquiry regarding the cancellation of patta, issued patta for roads and common amenities for the extent of land situated at Chengalpattu District, Jameen Pallavaram Village in Survey Nos.399/5 to an extent of acre 1.68 cents, 399/2 an extent of acre 1.34 cents and 399/3 to an extent of acre 2.21 cents to a total extent of Acre 5.23 cents altogether.



WP.No.33646 of 2024

For Petitioner : Ms.Preeti Basker
For Respondents : Mr.A.Selvendran, SGP

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

2. The case of the petitioner is as follows :

(i) The lands comprised in S.No.399/5 measuring acre 1.68 cents, S.No.399/2 measuring acre 1.34 cents and S.No.399/3 measuring acre 2.21 cents belonged to the petitioner's father - one Mr.C.P.Devaraj, who acquired the said properties vide two sale deeds namely the sale deed dated 02.2.1959 registered as doc.No.247 of 1959 and the sale deed dated 13.11.1961 registered as doc.No.2633 of 1991, both on the file of the Sub-Registrar, Pallavaram. Thereafter, the petitioner's father sold 68 cents to M/s.Coimbatore Chrome Company and retained the remaining lands for himself. The total extent remaining was acres 4.55 cents.

(ii) Upon his death, the properties devolved on his legal heirs, which included the petitioner. Since the legal heirs of the said Mr.C.T. Devaraj were not in a position to maintain the subject properties properly, encroachments have been made into the subject lands and the documents have also been fabricated. The petitioner's attempt to



WP.No.33646 of 2024

measure the subject lands was also a failure as the survey was obstructed by the encroachers, who constructed houses and shops and were using a portion of the subject properties as a playground. The encroachers were backed by the local politicians.

(iii) Earlier, the petitioner filed W.P.No.29196 of 2023 against the police officials and the encroachers and sought a direction to the police officials to facilitate measurement by giving police protection and it was disposed of on 09.10.2023. The petitioner also filed O.S. No.971 of 2023 on the file of the District Munsif-cum-Judicial Magistrate Court, Pallavaram. The petitioner also came to know that the encroachers had created the fabricated documents, which dated back to the year 1979.

(iv) After the disposal of the earlier writ petition, the third respondent sent a report dated 13.3.2024 to the District Collector, Chengalpattu and a copy of the same was also received by the petitioner. In the said report dated 13.3.2024, it has been stated that out of the lands that belonged to the petitioner's father, only an extent of 2.49 acres is now available, in which, only an extent of 68.9 cents is vacant and an extent of acre 1.80 cents had been encroached upon. However, the revenue officials issued patta for roads and common amenities out of the said extent of lands, which belonged to the petitioner's father.



WP.No.33646 of 2024

(v) Hence, the petitioner has filed the present writ petition seeking to direct the third respondent to consider his representation dated 26.8.2024 for conducting an inquiry regarding cancellation of the patta issued for roads and common amenities from Survey No.399/5 measuring acre 1.68 cents, Survey No.399/2 measuring 1.34 cents and S.No.399/3 measuring acre 2.21 cents, in total measuring acre 5.23 cents at Jameen Pallavaram Village, Chengalpattu District.

3. Taking into consideration the documents enclosed along with the affidavit filed in support of the writ petition and the arguments of the learned counsel on either side and also taking into account the report of the third respondent dated 13.3.2024, describing the lands of the petitioner's father, which still remain vacant and the extent already encroached, the writ petition is allowed and a Mandamus is issued to the third respondent to consider the petitioner's representation dated 26.8.2024 and after giving due notice to all parties, hear their objections and pass a speaking order within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

RS

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WP.No.33646 of 2024

P.T.ASHA,J

RS

To

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WP.No.33646 of 2024

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