



W.P.No.29222 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.29222 of 2024

R.Arumugam

...Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Chengalpattu, Chengalpattu District.
2. The Revenue Divisional Officer,
Revenue District Office,
Madhuranthakam,
Chengalpattu District.
3. The Tahsildar,
Office of the Tahsildar,
Cheyyur, Cheyyur Taluk,
Chengalpattu District.
4. Arulmozhi
5. Suganthi
6. Kanniga

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the representation of the petitioner dated 19.08.2024, in accordance with law and to cancel the patta bearing No.5715, in the name of respondents 4 to 6, and issue patta in the name of the petitioner, for the Punjai Lands in



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Survey No.242/5 to an extent of 22 cents, situated in Mugaiyur Village and Post, Cheyyur Taluk, Chengalpattu District.

For Petitioner : Mr. K. Duraimurugan
For R1 to R3 : Mr. D. Gopal
Government Advocate

ORDER

The petitioner herein seeks for a direction to the respondents 1 to 3 to consider his representation dated 19.08.2024 seeking cancellation of patta issued in the name of the respondents 4 to 6, and further direction to issue patta in his name in respect of the property with an extent of 22 cents situated in Survey No.242/5 in Mugaiyur Village, Cheyyur Taluk, Chengalpattu District.

2. According to the petitioner, the above mentioned property originally belongs to one Vellappa Cheittar and Rajathiammal and it was purchased by the petitioner's father orally some 50 years ago. It is also stated that after the death of the petitioner's father the legal heirs of Rajathiammal also released their right in the property. Therefore, the possession and enjoyment of the property vests absolutely with the petitioner. However, the legal heirs of Vellappa Cheittar, who are respondents 4 to 6 herein, attempted



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to interfere with the possession of the petitioner. On enquiry, the petitioner came to know that patta in respect of the above property was issued in the name of Kuppusamy Chettiar namely predecessor of the respondents 4 to 6. Therefore, the petitioner submitted a representation dated 19.08.2024 before the official respondents seeking cancellation of the patta issued in the name of the private respondents and to issue patta in his name.

3. The petitioner's father admittedly purchased the property by an oral sale and it is claimed that the property is in possession and enjoyment of the petitioner's father as well as the petitioner for more than 50 years. In such view of the matter, whether the petitioner enjoyed the property as an owner thereof or has acquired a right over the property is a matter to be decided by leading in oral and documentary evidence. Therefore, this Court is not inclined to issue any positive direction to consider the petitioner's representation. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to workout his remedy before the Civil Court. No costs.

01.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order



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S. SOUNTHAR, J.

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To

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