IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.35694 of 2024

Smt.S.Mokshalakshmi ... Petitioner

Vs.

1. The Revenue Divisional Officer,
   Chengalpat District.

2. The Tahsildar,
   Cheyyur Taluk,
   Chengalpat District – 603 319.

3. Mrs.Sujatha ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents 1 and 2 herein to consider and dispose the representation dated 05.09.2024, to cancel the patta No.393, in favour of the third respondent and issue patta, in the name of the petitioner in respect of the vacant land/house site measuring 11.3 cents in Part of S.No.150/10 (old S.No.150).

For Petitioner : Mr.N.J.Sagayaraj

For R1 and R2 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

Mr.M.R.Gokul Krishnan, learned Additional Government Pleader takes notice on behalf of the Respondents 1 and 2.

2. This Writ Petition has been filed for a Mandamus to cancel the Patta granted in favour of the 3rd Respondent and issue Patta in favour of the Petitioner based on the Petitioner's representation dated 05.09.2024.

3. The case of the Petitioner is that the Petitioner's uncle namely R.K.Kothandarama Naidu had bequeathed the subject property on the Petitioner and registered under a registered 'Will' dated 15.12.1997. The Patta was also issued in favour of the Petitioner in Patta No.64 on 30.08.2018 in respect of the property comprised in S.No.150/12. Similarly, a Joint Patta was issued in respect of the property comprised in S.No.150/10 showing the Petitioner's uncle name and three others. Patta No.393 was issued in favour of the 3rd Respondent in respect of the property comprised in S.No.150/10. On 22.05.2024, the Petitioner had personally approached the 2nd Respondent and given a representation. However, there was no action taken on the said representation. Therefore, the

Petitioner had given a detailed representation to the 1st Respondent under the said 'Will' amongst the properties bequeathed to the Petitioner. The first item was the house and house site with the compound wall erected on all four sides together with the EB Connection SC.No.09-592-002-38570, water bore well, pump set etc. in Old S.No.150 measuring 0.19 cents. The documents would clearly indicate that the Petitioner's uncle Kothandarama Naidu was in possession and enjoyment of the said property. After the lifetime of his uncle, the Petitioner continued in physical possession of the said house site. Meanwhile, the Revenue Department had conducted a resurvey in the year 2018 and the Petitioner was issued Patta No.64 in New S.No.150/12 for 7.7 cents I.e., (312 sq.metres). The balance extent of 11.3 cents was annexed to New S.No.150/10. The extent was not even taken into consideration when the Patta has granted to the Petitioner. In respect of the said Sl.No.150/10 measuring an extent of 14.54 ares Joint Patta has been issued in the name of Bakthavatsala Naidu, Radhakrishna Naidu and Kothandarama Naidu. Therefore, Kothandarama Naidu was a joint owner of the property comprised in Sl.No.150/10 particularly with reference to the 11.3 cents. After the resurvey proceedings and the registered 'Will', the Petitioner uncle shown as co-owner of the house site / land measuring an extent of 14.59 ares comprised in Sl.No.150/10. The Petitioner would submit that he is in possession of the vacant site with compound wall on all four sides and has been growing trees standing / bore well with pumpsets and pipe line for drinking and septic tank connection. While so, the 3rd Respondent has been given Patta in respect of S.No.150/10 (Old.S.No.150) measuring to an extent of 35.9 i.e., 14.54 ares. The Petitioner would submit that this issue of Patta in favour of the 3rd Respondent has come to his knowledge on 12.04.2024. Immediately, the Petitioner had written a letter dated 25.05.2024 requesting to issue Patta in respect of 11.03 cents in Sl.No.150/10 and that the issue of Patta in favour of the 3rd Respondent has been done without a proper enquiry. Since the 2nd Respondent had not taken any action, a detailed representation dated 05.09.2024 was sent both to the 1st and 2nd Respondents and to date steps have not been taken to pass orders on the representation dated 05.09.2024. Therefore, the Petitioner is before this Court.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The only request of the Petitioner is that his representation dated

05.09.2024 is considered and is taken to his logical end. Though the application has been filed as early as on 05.09.2024 not even a notice of enquiry has been received from the 1st and 2nd Respondent. Therefore, considering the fact that the Respondents 1 and 2 have failed to discharge their statutory duty, a Mandamus is issued to the Respondents to consider the representation of the Petitioner and pass appropriate orders within a period of three (3) months from the date of receipt of a copy of this Order. No costs.

13.12.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm

To

1. The Revenue Divisional Officer,
   Chengalpat District.

2. The Tahsildar,
   Cheyyur Taluk,
   Chengalpat District – 603 319.

P.T.ASHA, J.

rgm

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