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WP.No.36442 of 2024

In the High Court of Judicature at Madras

Dated : 06.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36442 of 2024

T.Neelakanta Mehta

Vs

...Petitioner

The Revenue Divisional Officer,
Revenue Division Office,
Central Chennai Division,
Anna Nagar West Extension,
Near Park Road Post Office,
Thirumangalam, Chennai-101.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to dispose the petitioner's representation dated 23.8.2022 to cancel the patta relating to S.Nos.116/1A, 116/1B, 116/2, 116/3 and 116/4 in all totalling to 92 cents at Nolambur Village on merits within a stipulated time.

For Petitioner : Mr.C.V.Shyam Sundar
For Respondent : Mr.R.P.Murugan Raja, GA

ORDER

Seeking a Mandamus to the respondent to consider his



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representation dated 23.8.2022 to cancel the patta in respect of S.Nos.116/1A, 116/1B, 116/2, 116/3 and 116/4 in all totalling to 92 cents at Nolambur Village, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondent.

3. The case of the petitioner is as follows :

(i) The petitioner's grandfather acquired several acres of land in Nolumbur Village by way of purchase and the properties were registered on the file of the Sub-Registrar, Sembium. Pursuant to that, patta was also granted in his name. After the demise of the petitioner's grandfather on 19.12.1968, the properties were inherited by his legal heirs including the petitioner.

(ii) At a later point of time, all the legal heirs of the grandfather of the petitioner represented by one Mr.T.Jayakumar Mehta sent a representation dated 10.12.2018 to the District Revenue Officer, Chennai seeking to cancel the patta illegally granted in favour of the third parties in respect of the properties in respect of S.Nos.80, 124/2, 169, 131, 132 and 116 totally measuring acres 9.52 cents and for the transfer of patta in the names of the legal heirs of the petitioner's grandfather. Further, by proceedings dated 04.12.2019, the District



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Revenue Officer, Chennai forwarded the said representation to the Tahsildar, Madhuravoyal for conducting an inquiry and to submit a report.

(iii) However, for the reasons best known to her, vide proceedings dated 21.12.2019, the respondent restricted the hearing only to S.Nos.116/1A, 116/1B, 116/2, 116/3 and 116/4 in all totalling to 92 cents at Nolumbur Village. The respondent issued notices to persons, in whose names, the patta was illegally transferred. However, none of them attended for the hearings. Just before the lock down due to Covid-19, the entire facts were presented by the petitioner to the respondent along with original documents for scrutiny. But, no action was taken on that.

(iv) Further, the petitioner, on behalf of all the legal heirs, sent a representation dated 23.8.2022 to the respondent for passing necessary orders on the hearing so conducted. In turn, vide communication dated 02.6.2023, the respondent directed the petitioner and the persons, in whose names, the patta was wrongly transferred, to appear in person on 05.6.2023. The petitioner also appeared before the respondent and gave his statement. However, no orders were passed on the same to date. The subsequent reminders sent to the respondent also did not evoke any response. As nothing was forthcoming even thereafter, the writ petition has been filed



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before this Court.

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4. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the respondent to consider the said representation of the petitioner dated 23.8.2022 to cancel the patta illegally granted to the third parties in respect of the properties in S.Nos.116/1A, 116/1B, 116/2, 116/3 and 116/4 in all totalling to 92 cents at Nolumbur Village. The petitioner shall submit all the relevant records to show their title to the said properties and the respondent shall, after issuing notice to the rival claimants, hold an enquiry and thereafter pass orders either cancelling the patta wrongly issued and consequentially transfer the patta in the names of the legal heirs of the petitioner's grandfather or rejecting the request. In the case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

06.12.2024

To
The Revenue Divisional Officer,
Central Chennai Division,
Anna Nagar West Extension,
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P.T.ASHA,J

RS

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