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WP.No.36848 of 2024

In the High Court of Judicature at Madras

Dated : 04.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36848 of 2024

M.Subramani

...Petitioner

Vs

1.The District Collector,
Ranipet District, Ranipet.

2.The Revenue Divisional Officer,
Ranipet Division, Ranipet.

3.The Tahsildar, Sholingur
Taluk, Ranipet District.

4.S.Sarojammal

5.S.Subramani

6.S.Munirathnam

7.S.Savithri

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to cancel the patta issued in favour of Seenan S/o Kannigan for the part of the petitioner's house property in Survey No.427/45 measuring an extent of 303 Sq.ft situated at Paravathur Village, Sholingur Taluk, Ranipet District and consequently issue patta to the petitioner's house property in Survey No.427/45 totally measuring an extent of 1141 Sq. ft. situated at Paravathur Village, Sholingur Taluk, Ranipet District by



WP.No.36848 of 2024

considering the petitioner's representation dated 23.9.2024.

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For Petitioner : Mr.R.Govindasamy
For R1 to R3 : Mr.A.Selvendran, SGP

ORDER

Seeking a direction to respondents 1 to 3 to consider his representation dated 23.9.2024 for cancellation of the patta issued in favour of one Mr.Seenan S/o Kannigan for the part of the petitioner's house property in Survey No.427/45 measuring an extent of 303 Sq.ft situated at Paravathur Village, Sholingur Taluk, Ranipet District and to issue a patta to the petitioner's house property in Survey No.427/45 totally measuring an extent of 1141 Sq.ft. situated at Paravathur Village, Sholingur Taluk, Ranipet District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 to 3.

3. The case of the petitioner is as follows :

(i) The petitioner purchased two properties in S.No.427/45 at Paravathur Village, Sholingur Taluk, Ranipet District (i) measuring an



WP.No.36848 of 2024

extent of 789 1/2 sq.ft vide sale deed dated 20.1.1987 registered as doc.No.40 of 1987 and (ii) measuring an extent of 351 1/2 sq.ft vide sale deed dated 23.11.1987 registered as doc.No.859 of 1987, both on the file of the Sub-Registrar, Guruvarajapettai. From the dates of purchase, the petitioner has been in possession and enjoyment of the said properties.

(ii) At a later point of time, it came to the knowledge of the petitioner that for one part of his house property measuring an extent of 303 sq.ft., the third respondent issued the patta wrongly in favour of one Mr.Seenan. Respondents 4 to 7 are none other than his wife, two sons and daughter respectively. When respondents 4 to 7 started disturbing his possession, the petitioner sent several representations to respondents 1 to 3 to cancel the patta issued in favour of the said Mr.Seenan and it did evoke any response.

(iii) Hence, the petitioner filed a civil suit in O.S.No. 86 of 2021 on the file of the District Munsif Court, Sholingur against respondents 1, 3 and 4 to 7 in respect of the subject property seeking declaration and permanent injunction. The said suit was decreed on 10.7.2023. Pursuant to the decree granted by the Civil Court, the petitioner sent various representations to the official respondents by enclosing a copy of the decree dated 10.7.2023. The last of such representations is dated 23.9.2024. As nothing was forthcoming, the petitioner is before



WP.No.36848 of 2024

this Court.

4. Despite receipt of the said representation dated 23.9.2024, it is not known as to how the third respondent is keeping the same pending without passing any orders and that too, when the petitioner is having a valid decree in his favour in respect of the subject property. Admittedly, the petitioner got a decree in his favour in July 2023 and he has been pursuing the matter for the past more than one year. However, he is not able to enjoy the fruits of the decree. The third respondent failed in his statutory duty to consider and pass orders on the said representation of the petitioner.

5. In the light of the above, the writ petition is allowed and the third respondent is directed to consider the said representation of the petitioner dated 23.9.2024 for the cancellation of patta granted in favour of the said Mr.Seenan in respect of 303 sq.ft and for the grant of patta in favour of the petitioner in respect of 1,141 sq.ft. in S.No.427/45, Paravathur Village, Sholingur Taluk, Ranipet District and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

04.12.2024

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WEB COPY



WP.No.36848 of 2024

P.T.ASHA,J

RS

To

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- 2.The Revenue Divisional Officer,
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WP.No.36848 of 2024

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