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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2046 of 2025

A.Periyasamy .... Petitioner

Vs

1.The Revenue Divisional Officer
Chengalpattu District
Office of the Revenue Divisional Officer
Chengalpattu.

2.The Tahsildar
Cheyyur Taluk, Chengalpattu District.

3.J.Mohamed Rizwan
4.Mohammad Thammem Rafiq
5.P.Muniammal ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 02.09.2024.

For Petitioner	:	Mr.G.Arun
For Respondent	:	Mr. A.Selvendran Special Government Pleader [R1 & R2]

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ORDER

The writ petition is filed seeking a mandamus to the respondents 1 and 2 to consider the representation of the petitioner dated 02.09.2024.

2. The case of the petitioner is that piece and parcel of property in Old Survey No.408/3, New Survey Nos.408/3A, 408/3B and 408/3C in Kadukalur Village, Cheyyur Taluk, Chengalpattu District belonged to his father K.Arumugam, and UDR patta No.622 (New Patta No.1921 and 1146) stands in his name. His father had been in peaceful possession and enjoyment of the said property. In 1975, his father had appointed one P.Kannan as gardener to take care of the said property and he resided there along with his family. On 14.06.1991, the petitioner's father died intestate leaving behind his wife and three sons, which includes the petitioner herein. On 28.11.2003, the mother of the petitioner also died. Be that as it may, on 08.02.2024, the petitioner came to understand that some third parties, who are the respondents 3 and 4 herein are in occupation of a portion of the subject property, and when enquired, he was informed that they are the purchasers of the said property vide Sale Deed Document Nos.688/24 and 689/2024. To ascertain the same, the petitioner

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had approached the revenue authorities, and the encumbrance certificate shows that no other parent documents except the sale deed Nos.688/24 and 689/2024, which relate to the purchases made by third and fourth respondent. Upon enquiry by the petitioners with the authorities concerned, it came to light that the said Kannan had fradulently obtained Patta Nos.948, 1017 & 1146 in the name of Krishnan, Subramani and Muniammal, who are his sons and his wife respectively. On the basis of the aforesaid pattas that were obtained fraudulently, the legalheirs of Kannan had executed several forged documents and sold the property to various persons, among whom, the respondents 3 to 5 are the persons who had inherited a portion of the subject property through their ancestors.

3. The petitioner had sent a detailed representation to the respondents 1 and 2 on 02.09.2024, to cancel the patta nos. 1921 and 1146 relating to R.S.Nos.408/3A, 408/3B and 408/3C and to restore Old Patta bearing No.622 in his father's name K.Arumugam, and thereupon, fresh patta shall be issued in the names of the petitioner and his two brothers A.Ranganathan and A.Kuppusamy. Since no action was taken till date, the petitioner is before this Court.

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4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents 1 and 2.

5. Considering the limited request made by the petitioner and the fact that the respondents 1 and 2 herein neither bothered to reply to the petitioner's representation nor had taken action, a mandamus is issued to the respondents 1 and 2 to consider the representation of the petitioner dated 02.09.2024. The petitioner and his siblings shall submit all the relevant records to show their title to the property and the respondents 1 & 2 shall hold an enquiry after issuing notice to the petitioner, his siblings and interested parties, and thereafter, proceed to pass orders. In case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

29.01.2025

Index : Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
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To:

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Chengalpattu District
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2.The Tahsildar
Cheyyur Taluk, Chengalpattu District.

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P.T.ASHA, J.,

ds

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