

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30813 of 2014

R.Ramesh Babu
S/o.Late Rajagopal Naidu

... Petitioner

vs.

1.The District Collector,
Vellore District,
Vellore - 9.

2.The Revenue Divisional Officer,
Sathuvachari,
Vellore - 9.
Vellore District.

3.The Tahsildar,
Gudiyatham Taluk,
Vellore District.

4.The Executive Engineer,
Tamil Nadu Housing Board,
Vellore - 9.
Vellore District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to carry out necessary corrections in the mutation entries to delete zero and to issue patta in the petitioner's name in respect of the lands measuring an extent of 1.22 acres comprised in S.No.54/2, Kondasamudiram Village, Guidyatham Taluk, Vellore District, by considering his representation dated 09.07.2014.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.S.Gunasekaran,
Government Advocate [R1 to R3]
Mr.S.Vanchinathan [R4]

O R D E R

Heard Mr.N.Manokaran, learned counsel for petitioner, Mr.S.Gunasekaran, learned Government Advocate for respondents 1 to 3 and Mr.S.Vanchinathan, learned counsel for fourth respondent and perused the materials placed on record.

2. Petitioner has filed this writ petition to direct the respondents to carry out necessary corrections by mutating the entries in the revenue records which had been shown as 'zero' and issue patta in the name of the petitioner in respect of property measuring an extent of 1.22 acres comprised in S.No.54/2, Kondasamudiram Village, Guidyatham Taluk, Vellore District, by considering his representation dated 09.07.2014.

3. The subject property originally owned by one Bangaru Naidu. The said land owner died leaving behind his two daughters and three sons. The said land owner registered a Will in favour of his two daughters giving life interest in the property and thereafter, full interest to his three sons. The legatees were in possession of the property when the Government issued notification under the Land Acquisition Act and acquired the lands in the form of neighborhood scheme of Tamil Nadu Housing Board. The declaration u/s.6 of the Land Acquisition Act was issued on 02.09.1986 vide G.O.Ms.No.1401. The petitioner's maternal grand mother Tmt.Akkammal challenged the acquisition proceedings by filing W.P.No.1414 of 1990. The said writ petition was allowed by this Court by order dated 28.10.1991. Subsequently, the respondents preferred W.A.No.1481 of 1995 and during the pendency of the appeal, Tmt.Akkammal died on 09.01.1998 leaving behind her son and daughter. Respondents did not bring on record the legal representatives of the deceased Akkammal and consequently, the appeal was dismissed as abated on 04.12.2000. It is stated by the petitioner that no steps have been taken by the respondents to restore the decree or for setting aside the abatement. After the land acquisition proceedings attained finality in 2000, there appears to have been family dispute resulting in filing of two suits viz., O.S.No.56 of 2010 and O.S.No.45 of 2011 on the file of learned District Munsif, Gudiyatham. Ultimately, the matters were settled in the Lok Adalat and the petitioner's title is said to have been confirmed pursuant to the said decree. With these facts, the petitioner now requested the authorities to delete the zero value mentioned in the revenue records and issue patta in his name in respect of the subject property.

4. Though the respondents have been served, the respondents have not given any written instruction to the learned Government Advocate.

5. The records placed before this Court prima facie show that the entire land acquisition proceedings have attained finality after the Honourable Division Bench dismissed W.A.No.1481 of 1995 as having

been abated. In fact, the Honourable Division Bench recorded that intimation of death of the respondent therein (Tmt.Akkammal) was given to the Government on 11.02.1999 and the document to the said effect was produced and the said document was directed to be form part of the record of the writ appeal. The Honourable Division Bench, while dismissing the writ appeal as abated, has also observed that if the State Government feels, it may apply for setting aside the abatement in the light of applicable rules. However, no steps have been taken till date.

6. In the light of the above, there shall be a direction to the respondents to consider the representation of the petitioner dated 09.07.2014 and take into consideration the above facts, make necessary corrections for mutation of entries by deleting 'zero' entry and thereafter, consider the application for grant of patta. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm
To

- 1.The District Collector, Vellore District,
Vellore - 9.
- 2.The Revenue Divisional Officer,
Sathuvachari,Vellore - 9, Vellore District.
- 3.The Tahsildar,Gudiyatham Taluk,
Vellore District.
- 4.The Executive Engineer,
Tamil Nadu Housing Board,
Vellore - 9. Vellore District.

- + 1 cc to Mr.S. Vanchinathan, Advocate SR.16267
+ 1 cc to Mr.N. Manokaran, Advocate SR.16086
+ 1 cc Government Pleader Sr.16086

SK(CO)
EU 11.04.2015

W.P.No.30813 of 2014.03.2015