

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.31443 of 2014
and M.P.No.1 of 2014

G.Ramkumar

... Petitioner

Vs.

1.The District Collector,
Chennai District,
Singaravelan Maligai,
Rajai Salai,
Chennai-600 001.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

3.The District Revenue Officer,
Chennai District,
Chennai.

4.The Tahsildar,
Fort-Tondiarpet Taluk,
Chennai-600 003.

5.R.M.Rajan

... Respondents

Prayer:Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 1, 3 & 4 to pursue the cancellation of patta proceedings against the fifth respondent in C.A.No.1065 of 2008 dated 27.06.2008 based on the undertaking given before this Court in W.P.No.28412 of 2010 dated 21.12.2010.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mrs.P.Rajalakshmi, Govt. Advocate
Nos.1 to 4

O R D E R

Though the fifth respondent has not been served for want of address, considering the issues involved, this Court is of the opinion to dispose of the writ petition.

2.It is the grievance of the petitioner that despite the order passed by this Court in the earlier writ petition W.P.No.28412 of 2010 and injunction suit filed by the fifth respondent in O.S.No.3112 of 2010 having been dismissed for default, no further action has been taken to cancel the patta rendered wrongly to the fifth respondent.

3.It is seen from the records that proceedings have been initiated to cancel the patta erroneously granted to the fifth respondent over a public pathway belonging to Chennai. The fourth respondent has also initiated proceedings by sending communication to the first respondent as per the proceedings in A3/31380/08 dated 26.07.2010. In this regard, the petitioner also made a representation to the Mayor, Corporation of Chennai; Commissioner of Police, Chennai-8 and the Commissioner, Corporation of Chennai and thereafter, on 13.08.2010, he made representation to the respondents 1 and 2 herein. Since there was continued inaction on the part of the respondents, the petitioner filed W.P.No.28412 of 2010, in which, this Court, on 21.12.2010, passed the following order:

"3.It is the case of the petitioner that the fourth respondent herein has illegally occupied the public road thereby blocking access to his property.

4.After taking notice, the second respondent, Tahsildar, Fort Tondiarpet Taluk, Chennai, has filed a memo, which reads as follows:

"In these circumstances, Thiru.G.Ramkumar, S/o.R.Ganapathy had filed a W.P.No.28412 of 2010 in the Hon'ble High Court, with a prayer representing that a public road has illegally occupied by Thiru.R.M.Rajan.

To consider the prayer of the petitioner, the field was inspected by the Tahsildar along with her officials, and got into a conclusion of the patta issued by the then Tahsildar is wrong.

Then after a brief statement, a proposal for cancellation of the said patta was sent to the Collector of Chennai vide this office letter No.B3/31830/2008, dated 26.07.2010.

A letter was also sent through RPAD to Thiru.R.M.Rajan, vide Collector's Letter No.J1/26422/2010 dated 13.10.2010 stating to appear before the District Revenue Officer, on 29.11.2010 at 4.00 p.m. With relevant documents or else the said portion of land will be considered as Corporation Public Road.

The RPAD sent was returned to the sender since the addressee was not there.

The process of cancellation of patta is under process."

5. Recording the aforesaid statement made by the second respondent, the writ petition is closed. Connected M.P. Is also closed. However, there will be no order as to costs."

After the order passed by the Division Bench of this Court, curiously, the fifth respondent tried his luck before the Civil Court. The injunction application filed by the fifth respondent was dismissed in I.A.6152/2010 in O.S.3112 of 2010 on 21.12.2011. Subsequently, the suit itself was dismissed for default on 04.06.2012. As there was no action even thereafter, the petitioner has come forward with the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

5. The facts narrated above, speaks for themselves. It is very unfortunate that despite the order passed by this Court, the official respondents have not woken up and taken appropriate action. Therefore, the fourth respondent is directed to take appropriate action in pursuant to the order passed by this Court in W.P.No.28412 of 2010 dated 21.12.2010 as per law within a period of eight weeks from the date of receipt of a copy of this order after affording due opportunity of hearing to the petitioner as well as the fifth respondent.

6. The writ petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

DP

To

1. The District Collector,
Chennai District,
Singaravelan Maligai,
Rajaji Salai, Chennai-600 001.

2.The Commissioner,
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Rippon Buildings,
Chennai-600 003.

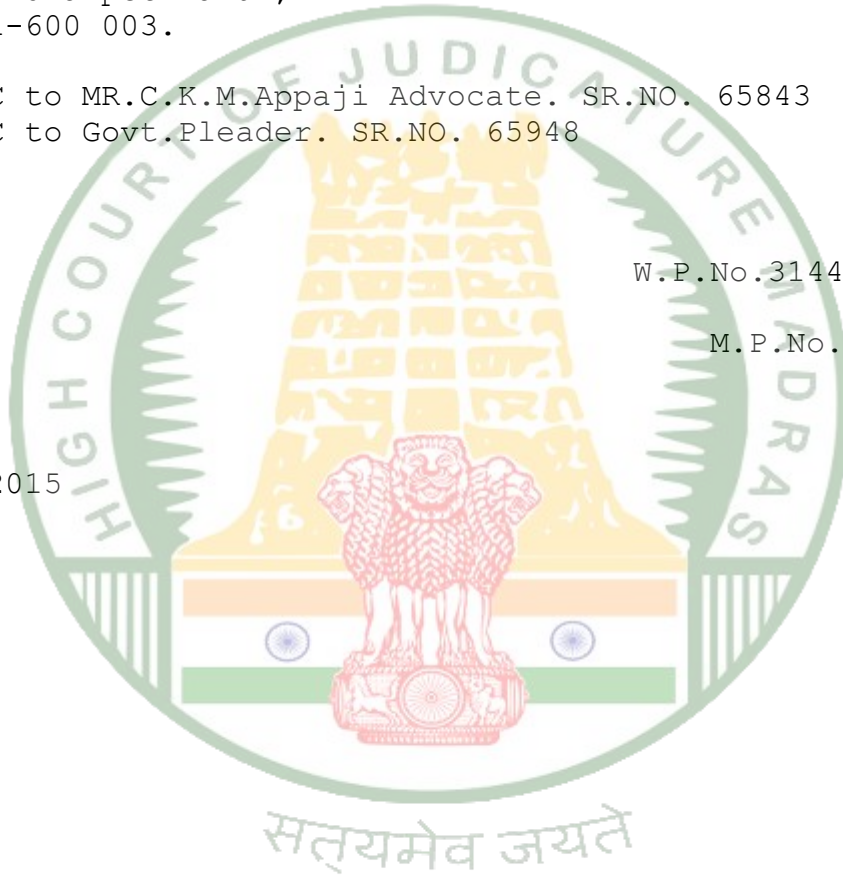
3.The District Revenue Officer,
Chennai District,
Chennai.

4.The Tahsildar,
Fort-Tondiarpet Taluk,
Chennai-600 003.

+1 CC to MR.C.K.M.Appaji Advocate. SR.NO. 65843
+1 CC to Govt.Pleader. SR.NO. 65948

W.P.No.31443 of 2014
and
M.P.No.1 of 2014

CO-GJ
JD 28/12/2015



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