

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.12486 of 2015

and

M.P.No.1 of 2015

Vel Trust

New No.38, Old No.24, ABM Avenue

R.A.Puram, Chennai 600 028

Rep. By Prof. Dr.R.Rangarajan

Son of late S.K.Rangasamy Naidu

Founder & Chairman

... Petitioner

vs

1.The District Collector

Thiruvallur District

Thiruvallur

2.The District Revenue Officer

Thiruvallur District

Thiruvallur

3.The Revenue Divisional Officer

Ambattur

Thiruvallur District

4.The Tahsildar

Ambattur Taluk

Ambattur, Thiruvallur District

5.R.G.Naidu

6.Chamundeeswari

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 and 3 not to cancel the petitioner's patta bearing No.5066 ensuing petitioner's predecessors' patta bearing Nos.522, 550 and 1977 in respect of lands in Survey Nos.339/1A1A, 337/2, 336/1, 2, 4, 337/1, 338/1, 338/2, 362/1, 362/2, 363/2, 339/1, 339/2, 339/5B, 339/6, Morai Village, Ambattur Taluk, Thiruvallur District by adjudicating the claim thereof pursuant to the notice dated 16.6.2014, in Ref.Na.Ka.1232/2013/A5 and notice dated .10.2014 in Na.Ka.No.17424/2014/A3 issued by the second respondent.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.Durai Solaimalai
Additional Government Pleader
for RR1 to 4

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner-Trust claims to have purchased lands admeasuring to an extent of 7 acres and 30 cents comprised in (1) Survey No.339/1A1A, covered in Patta No.1977; (2) Survey No.337/2, covered in Patta No.522 and (3) Survey No.336/1, 2, 4, 337/1, 338/1, 338/2, 362/1, 362/2, 363/2, 339/1, 339/5B, 339/6, covered in Patta No.118, by means of a registered sale deed bearing Document No.2178 of 2000, registered in the Office of the Sub-Registrar, Avadi, and subsequently, applied for transfer of patta in it's name and was also granted patta in Patta No.5066 in respect of the properties in Survey Nos.339/1, 339/5B, 339/6, 362/1, 362/2 and 363/2 during the year 2010-2011, and in respect of the other properties, the applications are still pending and a suit in O.S.No.325 of 2010 is also pending on the file of the Court of Subordinate Judge, Poonamallee.

3.The petitioner would further state that the fifth respondent seems to have made an application to the third respondent seeking patta in respect of the landed properties admeasuring to an extent of 2 acres and 44 cents in Survey Nos.336, 337 and 339/2 in Morai Village, Ambattur Taluk, and in this regard, the petitioner submitted it's objection and the second respondent also issued a notice on 10.10.2014, calling upon the petitioner to appear for an enquiry on 5.11.2014, and on that date, they appeared and produced all the records and thereafter, nothing had happened and challenging the correctness of the notice calling upon them to appear for the enquiry, came forward to file this writ petition.

4.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.Durai Solaimalai, learned Additional Government Pleader, who accepted notice for the respondents 1 to 4.

5.This Court, without going into the merits of the rival claims, directs the second respondent to consider the application dated 12.6.2014, submitted by the fifth respondent, after taking into consideration the objections raised by the petitioner on 13.1.2015, and also after affording an opportunity of personal hearing to the fifth respondent as well as to the petitioner, and pass orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as to the fifth respondent. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (Judicial)

To:

- 1.The District Collector
Thiruvallur District
Thiruvallur
- 2.The District Revenue Officer
Thiruvallur District
Thiruvallur
- 3.The Revenue Divisional Officer
Ambattur
Thiruvallur District
- 4.The Tahsildar
Ambattur Taluk
Ambattur, Thiruvallur District

1 cc to M/s. S. Thankasivam, Advocate, Sr. 23011
1 cc to Government pleader, Sr. 23261

W.P.No.12486 of 2015

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