

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19281 of 2015

V.Savarimuthu

... Petitioner

Vs.

1. The District Collector,
Cuddalore District,
Cuddalore
2. The Revenue Divisional Officer,
Vridhachalam,
Cuddalore District,
3. The Tahsildar,
Vridhachalam Taluk,
Vridhachalam,
Cuddalore District,
4. The Most Backward and Minority Welfare Officer,
Office of the Most Backward and Minority Welfare,
Cuddalore,
Cuddalore Distirct,
5. A.Gnanamuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct he 2nd respondent herein to pass orders on the enquiry conducted on 29.04.2013 pursuant to his proceedings in Na.Ka.A3/1378/2013 dated 8.4.2013 in respect of the petitioner property situated at Irupukurichi village, Vridhachalam Taluk, Cuddalore District comprised in S.No.165/12 measuring an extent of 5 1/2 cents out of 0.44 acres.

For Petitioner : Mr.Venkataswamy Babu

For Respondents : Mr.V.Subbiah,
Special Government Pleader

ORDER

With the consent of the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents, the writ petition is taken up for disposal at the admission stage itself.

2. The grievance of the petitioner is that he is the absolute owner of 5 1/2 cents of residential plot comprised in S.No.165/12, Irupukurichi village, Vridhachalam Taluk, Cuddalore District out of 0.44 acres by purchasing the same on 11.2.2013 from one S.A.Anthony samy under registered sale deed registered as Document No.530 of 2013 on the file of SRO, Vridhachalam. However, the 4th respondent levelled the said property with a JCB machine and informed that one Mr.A.Gnanamuthu, the 5th respondent herein, executed a gift deed in respect of the said property and the 4th respondent has proposed to construct a Girls Students Hostel therein. The 5th respondent had gifted the petitioner's property without any interest or right over the same by forging the revenue documents. In this regard, a representation has been made to respondents 1 to 3 to remove the name of the 5th respondent from revenue records. Based on the representation of the petitioner, the 2nd respondent has conducted enquiry on 29.4.2013. However, no orders are passed till date. Hence, the petitioner has come forward with the present writ petition.

3. Earlier, one M.Gnanamuthu filed writ petition in W.P.No.27389 of 2013 claiming to be in possession and enjoyment of the land in S.Nos.165/1B and 165/1C of Iruppakkurichi village, U.Agaram Post, Virudhachalam Taluk seeking a direction to the District Revenue Officer, Virudhachalam, Cuddalore to pass orders on the enquiry held by him on 3.5.2013 in pursuance of his notice in Na.Ka.A3/1459/2013, dated 8.3.2013 relating to the property in S.No.165/1B and 165/1C of Iruppakkurichi village, U.Agaram Post, Virudhachalam Taluk. It is the case of the petitioner therein that in respect of his property, a joint patta was issued by the Head Quarters Deputy Tahsildar, Virudhachalam Taluk including the names of Nallathambi and 7 others. This Court by order dated 11.11.2013 directed the District Revenue Officer, Virudhachalam to consider and dispose of the application submitted by the petitioner therein for rectification of entries in the patta by issuing notice to all concerned.

4. Heard the learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader appearing for the respondents 1 to 4.

5. The petitioner herein is the owner of the adjacent land of the petitioner in W.P.No.27389 of 2013. As the 4th respondent has proposed to construct a Girls Students Hostel in the property of the petitioner, he submitted a representation and based on the said

representation, the 2nd respondent has conducted enquiry on 29.4.2013. However, as no orders have been passed, the petitioner has come forward with the present writ petition.

6. This Court, taking into consideration of the limited prayer sought for, without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to take into consideration of the earlier order dated 11.11.2013 passed by this Court in W.P.No.27389 of 2013 as well as the report of the Tahsidlar, Virudhachalam dated 9.1.2015 and pass orders on the representation of the petitioner dated 6.10.2014 on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order, after affording an opportunity of hearing by issuing notice to the petitioner and the persons concerned and communicate the orders passed, to the petitioner as well as the persons concerned.

7. The writ petition is disposed of accordingly. However, there is no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Cuddalore District,
Cuddalore
2. The Revenue Divisional Officer,
Vridhachalam,
Cuddalore District,
3. The Tahsildar,
Vridhachalam Taluk,
Vridhachalam,
Cuddalore District,
4. The Most Backward and Minority Welfare Officer,
Office of the Most Backward and Minority Welfare,
Cuddalore, Cuddalore Distirct

+1cc to Mr.Venkataswamy Babu, Advocate, S.R.No.32857
+1cc to the Government Pleader, S.R.No.33330

W.P.No.19281 of 2015

AK(CO)
CA(14/07/2015)