

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.4184/2015 & MP.No.1/2015

R.Jeyaprakash

..Petitioner

Versus

The Principal Secretary & Commissioner
of Land Administration, Chepauk,
Chennai-5.

..Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to conclude the suo moto proceedings initiated in RC.No.K1/15132/11 dated 13.07.2011 within the time prescribed by this Court with respect to grant of Ryotwari patta to the petitioner for the land comprised in S.No.211/17 [presently block No.65 TS No.3152 & 317] over an extent of Ac.0.72 cents in Thiruvanmiyur village, Mylapore-Triplicane Taluk.

For Petitioner : Mr.R.Muthappan
For Respondent : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

Heard Mr.R.Muthappan, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader who accepts notice for the respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for a writ of mandamus to direct the respondent to conclude the suo moto proceedings initiated in RC.No.K1/15132/11 dated 13.07.2011 within the prescribed time limit.

3.The petitioner's father G.Radhakrishnan is said to have purchased the land in question by a Sale Deed dated 09.05.1947. It is stated that during the settlement proceedings, the petitioner's father did not participate and therefore, the land was classified as Anadinam. During 1993-1994, the petitioner's father is said to have approached the Assistant Settlement Officer seeking for grant of Ryotwari patta which was rejected on the ground that the application was presented belatedly. The petitioner filed an appeal and thereafter, approached this Court and after a direction was issued by

this Court to dispose of the appeal on merits, the Settlement Officer, Thanjavur, conducted an enquiry and it is stated that Ryotwari patta was granted in favour of the petitioner's father on 13.03.1995. There was a challenge to the said proceedings and the Settlement Officer has set aside the orders passed in favour of the petitioner's father against which the petitioner's father preferred a revision before the Director of Survey and Settlement which is said to have been allowed on 26.12.1995. By virtue of which, the petitioner's father said to have acquired Ryotwari patta. Now, the Principal Secretary and the Commissioner of Land Administration/the respondent herein, has exercised his suo moto power and has taken up the review of the decision and has granted an order of interim stay. According to the petitioner, he is not aware of the proceedings since the order of stay was directed to be communicated through the Tahsildar, Mylapore-Triplicane Taluk.

4. After the demise of the petitioner's father, his mother and other legal heirs including the petitioner herein approached the Tahsildar and thereafter came to know that an order of stay has been granted by the respondent herein. With these facts, the petitioner has filed the present writ petition to dispose of his representation dated 23.10.2013 and conclude the suo moto proceedings at the earliest.

5. The rival claimants appears to be the temple, viz., Arulmighu Marundheeswarar Thirukoil, Tiruvanmiyur. However, the said temple has not been impleaded as respondent in this writ petition nor the revenue officials have been impleaded as respondents. That apart, the authority who is said to have granted patta, is also not a party to the writ petition. In such circumstances, there cannot be any positive direction to the respondent at this stage without hearing all these parties who are proper and necessary parties. In any event, the petitioner has given a representation dated 23.10.2013 to the respondent and till date the matter is pending.

6. In the light of the above, there will be a direction to the respondent to consider the petitioner's representation dated 23.10.2013 and take up the suo moto revision after issuing notice to all parties concerned and pass final orders on merits and in accordance with law as expeditiously as possible.

7. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

The Principal Secretary & Commissioner
of Land Administration, Chepauk,
Chennai-5.
+ 1 cc to Mr.M. Muthappan, Advocate Sr.8850

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CNR (CO)
Eu 06.03.15



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