

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2015

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THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.7356 of 2015
and
M.P.Nos.1 and 2 of 2014

Uday Mallik

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Petitioner

- Vs -

1.The District Revenue Officer,
Kancheepuram District, Kancheepuram.

2. The Tahsildar,
Thirukalukundram
Office of Thirukkazhukundram Tahsildar,
Kancheepuram District.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records of the 2nd respondent culminating in the impugned order dated 12.11.2012, bearing reference No.Na.Ka.4149/2012 ஆ1, pertaining to patta No.697 for an extent of 1 hectare and 84 Ares (4.55 Acres) in Survey No.245/1A2 (part) in No.63, Venpurusham Village, Kokilamedu Post, Thirukalukundram Taluk, Mamallapuram, Kancheepuram District, PIN- 603 104, quash the same and direct the respondents herein to rectify the error in revenue records by conducting an enquiry/personal hearing, by issuing enquiry notices to all interested persons including the writ petitioner and give them an opportunity of being heard and producing documentary/oral evidence and thereafter pass a proceeding /order for issue fresh patta to persons entitled.

For Petitioner : Mr.M.Sundar
for Mr.K.Ashok Kumar
For Respondents : Ms.P.Rajalakshmi
Government Advocate

O R D E R

Heard both sides.

2. The petitioner states that the land situated at Mamallapuram Village under Survey No.245/aA2 measuring an extent of 5 acres and 40 cents was standing in his name from the year 1971 in Patta No.535. Thereafter, an extent of 2 acres was gifted to Shri.Raman by way of a conditional gift deed registered as document No.2043 of 1981 dated 12.05.1981. Further an extent of 96 cents was gifted to Mr.Ravi by way of another conditional gift deed registered as document no.4576 of 1981.

3. It is the case of the petitioner that patta has been transferred for the entire extent including the remaining extent of land which continues to be with the petitioner. The petitioner made a representation to the first respondent on 18.07.2012 to the first respondent, seeking to cancel the UDR patta bearing Patta No. 697 which has been wrongly issued for 5 acres and 40 cents. The said representation was closed by the second respondent stating that the petitioner was no more. The petitioner immediately on coming to know of the impugned order issued notices to the first and second respondents through his on 07.02.2015 calling upon the respondents to rectify the error, stating that he is alive. Since, there is no response from the respondents till date, the petitioner has come forward with this Writ petition seeking for the aforesaid relief.

4. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the second respondent has issued notice dated 13.03.2013 to the parties to appear for enquiry.

5. Therefore, the learned counsel for the petitioner submitted that a direction may be issued to the second respondent to cancel the same, after affording an opportunity of hearing to the petitioner, as well as to Mr. Raman and Mr. Ravi, within a reasonable time.

6. Considering the same, a direction is issued to the second respondent to conclude enquiry in Na.Ka..2070/15/A2 dated 13.03.2015, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

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Sub Asst. Registrar

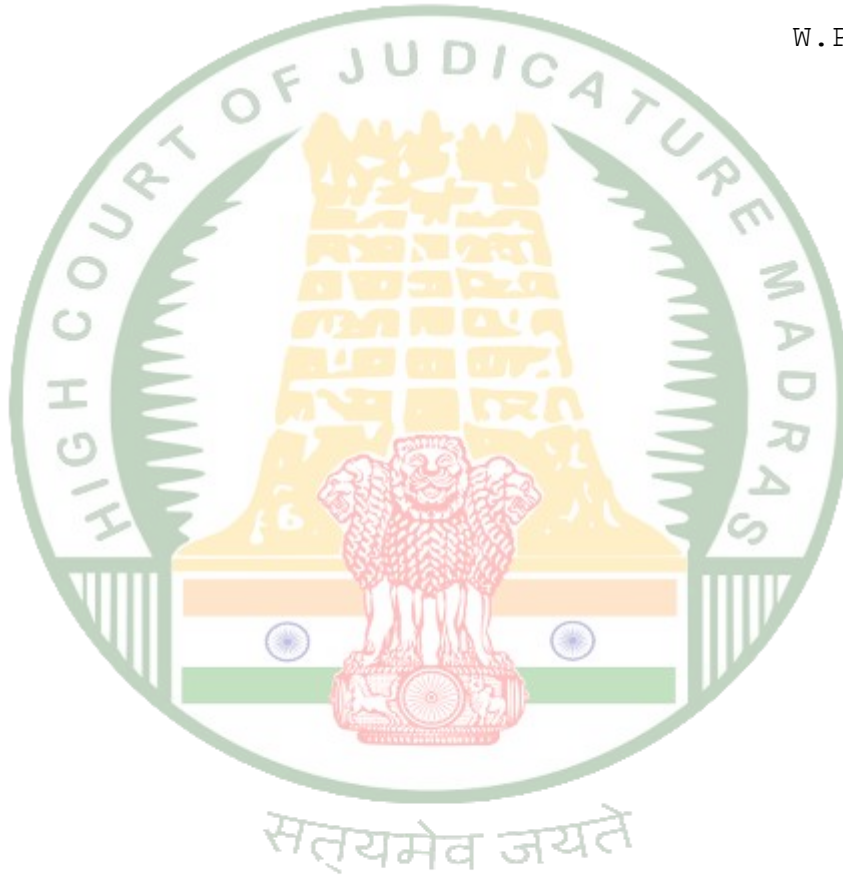
To

- 1.The District Revenue Officer,
Kancheepuram District, Kancheepuram.
2. The Tahsildar,
Thirukalukundram
Office of Thirukkazhukundram Tahsildar,
Kancheepuram District.

+1 cc to Mr.K.Ashokkumar, Advocate, sr.44967

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