

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10534 of 2016

1.V.Dharmalingam

2.D.Rajeswari

... Petitioners

vs.

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

2. The District Revenue Officer,
Kancheepuram.

3. The Tahsildar,
Tambaram Taluk, Tambaram, Chennai-45.

4. The Village Administrative Officer,
Maduraipakkam (incharge),
Kovilancherry, Mulancherry, Chennai.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to conduct detailed enquiry and dispose of petitioner's representation dated 26.8.2015 on merits within a time frame to be fixed by this Court.

For Petitioners : Mr.Krishna Ravindran

For Respondents : Mr.P.Karthikeyan,
Govt. Advocate.

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents to conduct detailed enquiry and dispose of their representation dated 26.8.2015 on merits within the time frame fixed by this Court.

3. The case of the petitioners, in brief, is as follows:-

(a) The petitioners are husband and wife. They have purchased the following lands at Madurapakkam Village, Tambaram Taluk, Kancheepuram District:-

Sl. No.	Document details	Vendor	Purchaser	Schedule	No.
1.	10.10.1975 - Sale Deed Doc.No.3930 of 1975 on the file of Tambaram SRO	1.Subramania Padayachi S/o.Perumal Padayachi, 2.Veerapadhara S/o.Perumal Padayachi, 3.Arjun Padayachi, S/o.Perumal Padayachi, 4.Chellammal, W/o.Sundara Padayachi 5.Selvaraj S/o.Sundara Padayachi 6.Ramasamy Padayachi S/o.Thangavel Padayachi 7.Elumalai Padayachi S/o.Thangavel Padayachi	D.Rajeswari, W/o.V.Dharmali nga Naicker	Survey Extent 61/3A5A1 0.20 61/3B2 0.12 61/3C1 0.22 61/3B1 0.20 61/3B3 0.24 61/3C2 0.11 61/3A4 0.41 61/3A5A2 0.20 61/3A5B 0.58 61/3A5B 0.03 61/3C3 0.05 ----- Total 2.36 -----	
2.	31.10.1975 - Sale Deed Doc.No.4141 of 1975 on the file of Tambaram SRO	1.R.Arumugam Padayachi, S/o.Thangavel Padayachi 2.Palani Padayachi, S/o.Arumuga Padayachi	V.Dharmalingam , S/o.Vishwaling a Naicker	Survey Extent 61/3C3 0.14 61/3B3 0.06 ----- Total 0.20 -----	

Sl. No.	Document details	Vendor	Purchaser	Schedule
	10.10.1977 - Sale Deed Doc.No.849 of 1977 on the file of Tambaram SRO	1.T.Murugesan S/o.Thangavel Padayachi 2.Minor Parthasarathi, 3.Minor Devan 4.Minor Gnanavel represented by father and natural guardian Murugesan. 5.Elumalai, S/o.Thangavel Padayachi 6.Vembuli Padayachi, S/o.Subbaraya Padayachi	V.Dharmalingam , S/o.Vishwaling a Naicker	Survey No. Extent 61/3C4 0.11 61/3C3 0.05 61/3B4 0.04 ----- Total 0.20 -----
4.	27.05.1999 - Settlement Doc.No.203 of 1999 on the file of Tambaram SRO	D.Rajeswari, W/o.V.Dharmalingam	V.Dharmalingam , S/o.Vishwaling a Naicker	Survey No. Extent 61/3A5B1 0.16 61/3B3 0.06 ----- Total 0.22 -----

(b) In survey No.61/3A5B in Madurapakkam Village, the second petitioner purchased 58 cents and 3 cents totalling 61 cents vide sale deed dated 10.10.1975. Subsequently, she was given patta No.50 for Survey No.61/3A5B1 for 24 Ares which comes to 59 cents only, whereas, she is actually entitled to 25 Ares which will come to 61 cents. Similarly, in Survey No.61/3B3 at Madurapakkam Village, she has purchased 24 cents vide sale deed dated 10.10.1975 and the first petitioner purchased 6 cents vide sale deed dated 10.10.1975. But, patta No.50 was issued only for an extent of 10.50 Ares which comes to 26 cents, whereas, they are entitled to 12 Ares which will come to 30 cents. Similarly, in Survey No.61/3B4 at Madurapakkam Village, the

first petitioner purchased 4 cents vide sale deed dated 10.10.1977. But, patta No.96 in Survey No.61/3B4A2 was issued only for an extent of 1 Are, which will come to 2.50 cents, whereas he is entitled to 1.50 Ares, which will come to 4 cents. In this regard, they have sent many representations from the year 2013 onwards, but the same has not been considered till date.

(c) The first petitioner is aged about 86 years and the second petitioner is aged about 75 years and they are unable to move around freely due to various ailments. However, in spite of several visits in person and various representations to the authorities concerned, no effective action has been taken till date. Finally, the petitioners have sent a detailed representation dated 26.8.2015 to the respondents herein to rectify the errors. But, till date, the respondents have not taken any steps. Hence, the petitioners have come up with the present writ petition seeking a direction to the respondents to conduct detailed enquiry and dispose of their representation dated 26.8.2015 on merits within the time frame fixed by this Court.

4. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the representation of the petitioner dated 26.8.2015 and pass appropriate orders / take necessary action on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioners as well as to the necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioners and it is for the third respondent to consider the claim of the petitioners strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

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

2. The District Revenue Officer,
Kancheepuram.

3. The Tahsildar,
Tambaram Taluk,
Tambaram, Chennai-45.

4. The Village Administrative Officer,
Maduraipakkam (incharge),
Kovilancherry, Mulancherry,
Chennai

+ 1 cc to Mr.Krishna Ravindran, Advocate SR 17844

+ 1 cc to Govt.Pleader SR 18057

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prk30/3

W.P.No.10534 of 2016



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