

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.11101 of 2016

J.Mangaiyarkarasi

.. Petitioner

Vs.

1. The District Revenue Officer,
Cuddalore District, Cuddalore.

2. N.Senthilkumar ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to dispose of the petitioner's appeal, dated 16.12.2015 on merits and in accordance with law, within a stipulated time.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mrs.P.Rajalakshmi, Govt. Advocate for R1

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to dispose of the petitioner's appeal, dated 16.12.2015 on merits and in accordance with law, within a stipulated time.

2. It is the case of the petitioner that the land bearing Survey No.212/1C2 is the petitioner's patta land, which was purchased by her from one N.Senthilkumar (second respondent herein) through registered sale deed, in document No.2022/10, dated 13.10.2010 on the file of the Sub-Registrar Office, Sethiyathope; she had been in peaceful possession and enjoyment of the said land. After the said purchase, the petitioner made a written representation, dated 06.01.2011 to the Tahsildar concerned to survey her land and issue joint patta in her name. On receipt of the said representation, the Tahsildar, vide proceedings in RTR.2521/2011, dated 10.11.2011, issued joint patta in the petitioner's name and her vendor N.Senthilkumar in respect of the above said land. Pursuant to the same, the petitioner's name was included in the Revenue Records such as Chitta, Adangal, etc. Thereafter, on 01.04.2012, the petitioner made a representation to the Tahsildar concerned to issue

separate patta to her land of an extent of 1952 Sq.Ft. in Survey No.212/1C, after de-marking and sub-dividing the property. Accordingly, the Tahsildar surveyed the land of the petitioner and assigned sub-division number as Survey No.212/1C-2 and she was issued with separate patta by the Tahsildar, in proceedings No.8-A/436/1422, dated 02.05.2013; pursuant thereto, Chitta, Adangal etc. and all other Revenue Records pertain to the petitioner's land in the sub-divided survey number. Thereafter, the petitioner gave some portion of the land on the Northern side to her son, namely Balamurugan by way of registered settlement deed, in Doc.No.1694/2013, dated 11.10.2013.

3. While so, at the instance of the second respondent, the Tahsildar, without notice to the petitioner, by referring proceedings in RTR.3094/13-14-TK SA.436/142, dated 02.05.2013, included the second respondent's name in the petitioner's patta, Adangal, Chitta, etc., pertaining to the above said land as joint patta holders. In spite of the request of the petitioner to delete the second respondent's name, there was no response. Hence, she sent a written representation, dated 12.08.2014 to the Chief Minister's Cell and Sub-Collector, Chidambaram; and also to Commissioner of Land Administration, District Collector, Cuddalore and Secretary to Government, Revenue Department, on 04.09.2014, 08.09.2014 and 16.09.2014 respectively.

4. Since the second respondent's name has not been removed, the petitioner filed W.P.No.29172 of 2014 before this Court for declaration that inclusion of the second respondent's name as joint patta holder, is illegal and to direct the District Collector, Cuddalore and the Tahsildar, Chidambaram to delete the name of the second respondent herein from the Revenue Records such as patta, Chitta, Adangal, etc., pertaining to the petitioner's land bearing S.No.212/1C-2. In the said Writ Petition, this Court, by order dated 20.01.2015, directed the Sub-Collector, Chidambaram to issue fresh notice to the petitioner and the second respondent herein and fix a fresh date of hearing, on which date, both the petitioner and the second respondent herein were directed to appear in person and produce all documents in support of their claim; thereafter, after hearing the parties, the Sub-Collector was directed to pass a reasoned order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. Pursuant to the above said order of this Court, the Sub-Collector did not comply with the order. Hence, a legal notice, dated 30.07.2015 was issued to the Sub-Collector, which was also acknowledged by his office. This led the petitioner to file a Contempt Petition in Cont.Petn.No.2274 of 2015 and during the pendency of the Contempt proceedings, the Sub-Collector rejected the application of the petitioner. Hence, the petitioner

preferred appeal, dated 16.12.2015 to the first respondent as against the said order of rejection. The said appeal is pending. Therefore, the petitioner has filed this Writ Petition for the above relief.

6. Heard both sides. In view of the order that is going to be passed by this Court, it is not necessary to issue notice to the second respondent.

7. Considering the above facts and circumstances of the case and without going into the merits or otherwise of the case of the petitioner, this Court directs the first respondent to consider the said appeal of the petitioner, dated 16.12.2015, conduct enquiry and give an opportunity of personal hearing to the petitioner and other necessary parties, including the second respondent herein and thereafter pass appropriate orders and dispose of the said appeal, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the first respondent to decide the same.

8. With the above observations and directions, the Writ Petition is disposed of. No costs.
cs

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

Copy to

The District Revenue Officer,
Cuddalore District, Cuddalore.

+ 1 cc to M/s.P.R.Thiruneelakandan, Advocate, SR 19060

+ 1 cc to Govt.Pleader, High Court, Madras SR 18980

ala(co)
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