

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13917 of 2016

T.R.Velayudham,
Trustee,
Sri Krishnar Temple,
No.1 South Mada Street,
Thiruvannamiyur, Chennai-41.

... Petitioner

Vs.

1. The Principal Secretary and Commissioner
of Land Administration, 'Ezhilagam',
Chepauk, Chennai-600 005.

2. The District Collector,
Chennai District,
Singaravelar Maaligai,
Chennai-600 001.

... Respondents

PRAYER : Writ petition filed under Article 226 of the
Constitution of India praying for the issuance of a writ of
mandamus directing the 1st respondent herein to dispose of the
petitioner's Revision Petition dated 28.08.2015 pending on his
file by fixing a time limit.

For Petitioner :Mr.M.S.Subramanian

For Respondents :Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

The Writ Petition has been filed seeking to issue a writ of
mandamus, directing the 1st respondent herein to dispose of the
petitioner's Revision Petition, dated 28.08.2015, pending on his
file, within a time stipulated by this Court.

2. The case of the petitioner is the land in original
Survey No.204/13A measuring 12 cents Grama Natham was owned,
possessed and enjoyed by the petitioner and one Mr.Veerapadran,
Mr.Arumugam and Mr.Subramani. Out of the said 12 cents Grama

Natham, the petitioner is entitled to 1800 sq.ft. in which he had put up a Vinayagar Temple wherein other deities have also been installed and the said temple is now popularly known as 'Sri Krishnar Temple'. The further case of the petitioner is that for the said land measuring 12 cents, the patta was jointly in the name of the Mr.T.R.Velayudham, Trustee, and 3 others stood in patta No.982, namely, Mr.Veerapadran, Mr.Arumugam and Mr.Subramani. The said patta was issued in the year 1988. Subsequently, the portions enjoyed by other individuals as stated above have been assigned separate Town Survey Numbers.

3. While so, the portion in possession of the petitioner measuring 1800 sq.ft. in S.No.204/13A wherein the Krishnar Temple is situated, has been classified as Poramboke, at the time, when the Town Survey was conducted and the land was assigned Town Survey Number as 105 in Block No.42. On knowing the above classification of the portion in the petitioner's possession as Government Poramboke for which the petitioner held patta, he sent a petition dated 07.05.2014 to the Special Officer, Town Survey (South), K.K.Nagar, Chennai-78 to cancel the same. Subsequently, the petitioner sent a petition dated 30.06.2014 to the Commissioner, Land Administration, Chepauk, Chennai, with a request to correct the mistake and to issue patta to him and the same was forwarded to the District Collector, Chennai, for taking necessary action. Thereafter, the petitioner has given another representation dated 05.11.2014 to the District Collector, Chennai to correct the said mistake. Since no action was taken, the petitioner sent a Lawyer's Notice dated 20.01.2015 to the respondents herein and also to the District Revenue Officer, Chennai District, enclosing a copy of the patta granted in the joint names of Sri Krishnar Temple Trustee, Mr.T.R.Velayudham and 3 others in respect of Survey No.204/13A measuring 12 cents. Since no orders were passed on his petition dated 30.06.2014, the petitioner filed W.P.No.9014 of 2015 to issue a Writ of Mandamus, directing the 2nd respondent to pass orders on his petition, dated 30.06.2014 and the same was disposed of by an order dated 30.03.2015, directing the 2nd respondent to dispose of the petitioner's petition within 8 weeks. Thereafter, as per the direction of this Court, an enquiry was conducted by the 2nd respondent on 26.05.2015 in which the petitioner appeared and produced all the relevant documents. Thereafter, the 2nd respondent passed an order in Na.Ka.J2/23809/2014, dated 31.07.2015 rejecting the claim for patta. Aggrieved over the same, the petitioner filed a Revision Petition on 28.08.2015 before the Principal Secretary and Commissioner, the 1st respondent herein. Though 8 months have elapsed after filing of the revision petition, till date, the revision petition is not taken up for hearing and pass orders. Hence, the present Writ Petition.

4. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the 1st respondent to expedite the hearing in the Revision Petition filed by the petitioner, dated 28.08.2015 and to dispose of the same, on merits and in accordance with law, after affording sufficient opportunities to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this Order.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary and Commissioner of Land Administration, 'Ezhilagam',
Chepauk, Chennai-600 005.
2. The District Collector,
Chennai District,
Singaravelar Maaligai,
Chennai-600 001.

+2cc to Mr.S.Subramanian, Advocate sr.24090
+1cc to the Government Pleader Sr.24222

सत्यमेव जयते

W.P.No.13917 of 2016

pvs(CO)
srg(12/05/2016)

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