

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15048 of 2016

K.Andiayya

... Petitioner

vs.

1. The District Collector,
Tiruvarur District,
Tiruvarur - 610 001.

2. The Revenue Divisional Officer,
Tiruvarur Division,
Tiruvarur - 610 001.

3. The Tahsildar,
Valangaiman Taluk,
Tiruvarur District.

4. P.Ravichandran

5. C.Gurumoorthy

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the second respondent to consider and pass orders on the petitioner's representation dated 24.08.2015 within time stipulated by this Court.

For Petitioner : Mr.S.Thirumavalavan

For R1 to R3 : Mr.V.Jayaprakash Narayanan, Spl.G.P.

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider and pass orders on his representation dated 24.08.2015 within the time stipulated by this Court.

2. The case of the petitioner as averred in the writ petition is as follows:

2.1 The petitioner is the owner of the lands in S.Nos.391/1 and 397/2 of Maligai Thidal Village, Valagaiman

Taluk, Tiruvarur District by way of inheritance and he has been in possession and enjoyment of the same for the past several decades. He was issued with patta No.511 in respect of his lands along with 4 others, the details of which are shown in the following table:

S.No.	Patta No.	Survey No.	Extent	Land Holder
1.	511	385/2	0.40.0	1.Rajasekaran
2.	511	388/5	0.16.0	S/o.V.Rajarathina Vadunatham Pillai
3	511	391/1	0.13.5	2.Andiayya
4	511	397/2	0.03.0	S/o.Karuppaiah Moopanar
5	511	401/3	0.05.0	
6	511	406/1	0.01.5	3.Karuppaiah
7	511	406/6	0.14.5	S/o.Rathinavel Moopanar
8	511	408/1	0.03.0	4.Sundara Moopanar
9	511	408/4	0.04.0	S/o.Rathinavel
10	511	410/9	0.09.0	Moopanar
				5.Alargarsamy S/o.Rathina Moopanar

2.2 While so, one P.Ravichandran, who is the fourth respondent herein, made an application dated 10.11.2010 to the third respondent requesting to include his name in Patta No.511. The third respondent, without issuing any notice or without providing an opportunity of personal hearing to the pattadars, passed an order dated 10.11.2010, including the name of the fourth respondent in Patta No.511.

2.3 Similarly, the fifth respondent herein submitted an application dated 13.09.2011 seeking to include his name along with others in the joint patta No.511. The third respondent, without issuing any notice and without providing an opportunity of personal hearing to the pattadars in patta No.511, again passed an order dated 13.09.2011 including the name of the fifth respondent and issued a fresh patta bearing No.656 in respect of the lands measuring 0.16.0Hectares in S.No.388/1 of Maligai Thidal Village.

2.4 When the petitioner has attempted to get computerised patta, chitta and adangal extract from the third respondent, he came to know about the inclusion of the names of respondents 4 and 5 in the joint patta. Immediately, he made a representation dated 24.08.2015 to the second respondent to take

necessary action and restore the patta. Instead of conducting enquiry, the second respondent, by his proceedings in Na.Ka.No.2681/2015/A4 dated 22.09.2015, forwarded the petitioner's representation to the third respondent and directed the third respondent to take appropriate action and file a report. The copy of the said proceedings was also communicated to the petitioner.

2.5 On coming to know about the same, the petitioner approached the second respondent on 04.11.2015 and requested to conduct enquiry, instead of forwarding his representation to the third respondent. Immediately, the second respondent by his communication dated 05.01.2016, directed the third respondent to forward all the records pertaining to the orders passed by the third respondent dated 10.11.2010 and 13.09.2011 to his office. Subsequently, the second respondent issued a notice dated 25.01.2016 calling upon the petitioner to appear for enquiry along with the original records on 29.01.2016. Accordingly, the petitioner appeared before the second respondent and produced all the records in support of his contention. However, till date, no order has been passed by the second respondent. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents 1 to 3.

4. Considering the limited nature of the relief sought for herein, this Court directs the second respondent to consider the representation of the petitioner dated 24.08.2015, by affording an opportunity of personal hearing to the petitioner as well as to the respondents 4 and 5 and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the second respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed 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.
rk

-s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Tiruvarur District,
Tiruvarur - 610 001.
2. The Revenue Divisional Officer,
Tiruvarur Division, Tiruvarur - 610 001.
3. The Tahsildar,
Valangaiman Taluk,
Tiruvarur District.

+ 1 cc to M/s.S.Thirumavalavan, Advocate SR 25326

+ 1 cc to Govt.Pleader SR 25874

mp(co)
prk6/6

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