

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.16100 of 2016

1.Lakshmi Kandhammal

2.Ramaiya Naidu

3.Sivakumar

rep. by their power of attorney

G.Subramaniam

..Petitioners

Vs.

1.The District Collector,
O/o. The Collectorate,
Thiruvallur District.

2.The Revenue Divisional Officer (RDO),
Ponneri Division,
Ponneri, Thiruvallur District.

3.The Tahsildar,
Ponneri Taluk,
Ponneri, Thiruvallur District.

..Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to reclassify the petition schedule property as "Patta Land" from "Punjai Tharusu" within the time frame fixed by this Court.

For Petitioners : M/s.K.Seetha Ram

For Respondents : Mr.P.Sanjay Gandhi,
Addl.Govt.Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to reclassify the petition mentioned property as "Patta Land" from "Punjai Tharusu" within the time frame fixed by this Court.

2. According to the petitioners, one G.Subramaniam intended to buy a property in S.No.137/1, admeasuring to an extent of 0.80.5 Ares at Nallur Village, Ponneri Taluk, Thiruvallur District, from the petitioners herein and paid the entire sale consideration and got two power of attorneys, which were registered as Document Nos.4577 and 4579 of 2007 dated 10.10.2007 on the file of the SRO, Redhills, Chennai. Later on, when the said G.Subramaniam presented the sale deed for registration, he was informed by the Sub Registrar, Redhills that the above said property was classified as 'Punjai Tharusu' which means Government poramboke land. Immediately, he made verification with the Government records and he found that the property in question was a patta land since 1940 and the same has been changed as Punjai Tharusu only during the recent times, due to oversight on the part of the authority concerned. Hence, he made a representation dated 21.08.2014 to the first respondent with all the necessary documents requesting to reclassify the property in question as Patta land. On receipt of the same, the first respondent ordered enquiry. Accordingly, enquiry was conducted and a report dated 13.11.2014 was submitted by the Revenue Inspector, Cholavaram to the respondents 2 and 3 to the effect that due to oversight, the property in question was changed from 'patta land' to 'Punjai Tharusu'. Even after receipt of the said report, no order has been passed by the respondents. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the petitioners to submit a fresh representation, enclosing all the necessary documents in support of their claim along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the same, by affording an opportunity of personal hearing to the petitioners as well as to all the necessary parties, if any 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 petitioners and it is for the respondents to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

rk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
O/o. The Collectorate,
Thiruvallur District.

2.The Revenue Divisional Officer(RDO),
O/o.Revenue Divisional Office,
Ponneri Division, Ponneri, Thiruvallur District.

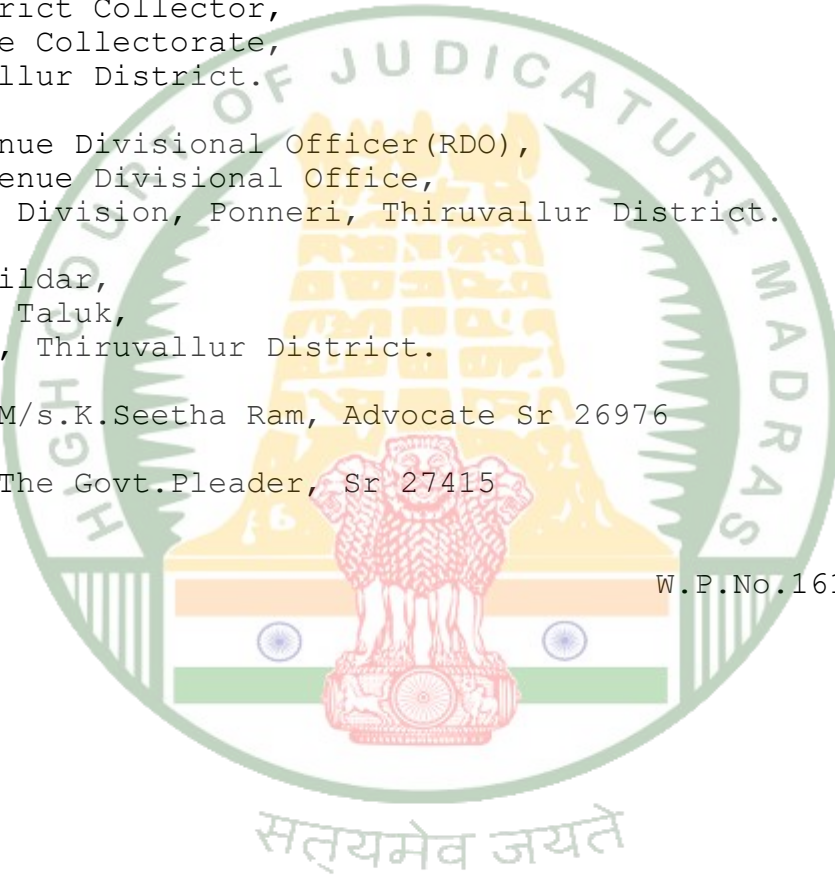
3.The Tahsildar,
Ponneri Taluk,
Ponneri, Thiruvallur District.

+ 1 cc to M/s.K.Seetha Ram, Advocate Sr 26976

+ 1 cc to The Govt.Pleader, Sr 27415

KR/3/6/16

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