

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.22270 of 2015

K.Perumal

... Petitioner

vs.

1.The District Collector,
Thiruvallur District, Thiruvallur.

2.The Revenue Divisional Officer,
Office of Ambattur Taluk,
Ambattur, Chennai.

3.The Tahsildar,
Office of Madhavaram,
Madhavaram Taluk,
Thiruvallur District.

4.Mrs.Vijaya

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the third respondent to dispose of the representation dated 18.02.2014 within the stipulated time.

For Petitioner : Mr.P.Sivamani

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to dispose of his representation dated 18.02.2014 within the stipulated time.

2. The case of the petitioner in brief is as follows:

2.1 The petitioner and his brother and sister are the absolute owners of the property land and building comprised in S.No.237/127 Part, Town Survey Nos.85 to 96 in Block No.13 Thiruvettriur Village, Thiruvallur Taluk, Thiruvallur District, Municipal Door Nos.899 to 909 Old Nos.458 and 459 Thiruvettriur

High Road, Thiruvettriur, Chennai -600 019 with larger extent of 23520 sq.ft.. The said property was originally belonged to his father by name Duraikannu Mudaliar, who during his life time, settled the same in favour of his wife D.Pattammal under a registered Settlement Deed dated 19.06.1958 bearing Doc.No.2116/1958 on the file of the District Registrar of North Madras. After her death, the petitioner and his brother and sister, being the legal heirs of the said Pattammal, have been in absolute possession and enjoyment of the property by letting out the same to various tenants and the 4th respondent herein is one such tenant.

2.2 The fourth tenant being the tenant under the mother of the petitioner, in respect of the property bearing Door No.905, T.H. Road, Thiruvettriur, Chennai to an extent of 600 sq.ft., has committed default in payment of monthly rent at Rs.850/- from the month of May 2012. Therefore, his mother filed a eviction petition in RCOP. No.22/2012 before the learned District Munsif, Thiruvettriur and the same is pending. The fourth respondent also filed a suit in O.S.No.75/2012 for permanent injunction restraining the petitioner from interfering with her possession in respect of the property in Door No.905, T.H. Road Chennai.

2.3 The fourth respondent, without the knowledge of the petitioner, seemed to have obtained electricity service connection and other metro water and sewerage connection in her favour and claimed title and got changed her name in the survey extract for the land and building at Door Nos.908, 905, 906 and 909 in RPT No.3275/2012 dated 01/10/2012. Thereafter, the fourth respondent by using the said documents, seemed to have executed a deed of settlement dated 05.09.2013 registered as Doc.No.6668/2013 on the file of the Sub Registrar, Thiruvettriur in favour of her daughter.

2.4 Since the act of the fourth respondent is illegal and attracts various provisions of the Indian Penal Code and a clear case of land grabbing, the petitioner lodged a complaint dated 10.02.2014 to the Commissioner of Police, Chennai against the fourth respondent and as there was no further action, the petitioner was forced to file a petition seeking a direction to register the complaint and for further proceedings. The petitioner also made a representation dated 18.02.2014 to the third respondent for cancellation of RPT proceedings in RPT No.3275/2012 dated 01.10.2012. Since no order has been passed by the third respondent, the petitioner has filed the present writ petition for the above stated relief.

3. Heard Mr.P.Sivamani, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents.

4. Considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this Court directs the third respondent to consider the representation of the petitioner dated 18.02.2014, by affording an opportunity of personal hearing to the petitioner as well as to the fourth respondent 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 third respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of eight 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-II)

/TRUE COPY/

Sub-Assistant Registrar

rk

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer,
Office of Ambattur Taluk,
Ambattur, Chennai.

3.The Tahsildar,
Office of Madhavaram,
Madhavaram Taluk, Thiruvallur District.

+1 CC to MR.P.Sivamani Advocate. SR.NO.6690

+1 CC to Govt.Pleader. SR.NO.6526

W.P.No.22270 of 2015

CO-EV

JD 15/02/2016