

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.26998 of 2015

1.Arjunan
2.Meenatchiammal
3.Masilamani
4.M.Ramathal
5.M.Thangavel

Rep. by their power of attorney
C.Venkatasamy

... Petitioners

vs.

The Assistant Settlement Officer
(South),
Office of the Director of Survey and
Settlement,
Chepauk, Chennai-5.

.... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to dispose of the revision petition preferred by the petitioners on 28.4.2015 against the order of the Settlement Tahsildar, Gobichettipalayam, within a period of time stipulated by this Court.

For Petitioners : Mr.A.Thiyagarajan

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

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondent to dispose of the revision petition preferred by them on 28.4.2015 against the order of the Settlement Tahsildar, Gobichettipalayam, within a stipulated time fixed by this Court.

3. It is the case of the petitioners that they are the absolute owners of the lands situated in S.No.277/1A, 277/2, 277/3 and 495/1, T.D.No.294 of Kuniamuthur Village, Coimbatore South Taluk. Their fore-fathers had purchased the said lands by virtue of a sale deed dated 21.8.1930 vide document No.2158/1930. From the date of purchase, they were having exclusive title over the said property and were in absolute possession of the same. The said lands were covered by Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963. Suppressing the purchase of the said lands by their fore-fathers, a suo motu enquiry was conducted in the year 1968 by the Settlement Tahsildar, Gobichettipalayam. However, the petitioners' fore-fathers were not called for enquiry. Without enquiring the proper persons, the Settlement Tahsildar, Gobichettipalayam has passed an order issuing Ryotwari patta in favour of wrong persons. Further, the said order was not communicated to the persons, who are in possession, either in person or by registered post. After coming to know about the issuance of patta to the wrong persons, the petitioners preferred a revision petition before the respondent as envisaged by the notification dated 17.2.1965 under Madras Minor Inams (Abolition and Conversion of Ryotwari) Act, on 28.4.2015 for cancelling the patta issued by the Settlement Tahsildar, Gobichettipalayam and for issuing patta afresh in their favour. But, till date, no notice or intimation has been received from the respondent. Hence, left with no other alternative, the petitioners have come up with the present writ petition seeking a direction to the respondent to dispose of the revision petition preferred by them on 28.4.2015 against the order of the Settlement Tahsildar, Gobichettipalayam, within a stipulated time fixed by this Court.

4. I have heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondent to dispose of the revision petition preferred by the petitioners dated 28.4.2015 on merits and in

accordance with law, by affording an opportunity of personal hearing to the petitioners as well as to the necessary parties, if any, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Assistant Settlement Officer
(South),
Office of the Director of Survey and
Settlement,
Chepauk, Chennai-5.

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No.18221
+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No.17934
+1cc to the Government Pleader, S.R.No.18711

W.P.No.26998 of 2015

sns (CO)
srg (31/03/2016)

सत्यमेव जयते

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