

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.25289 of 2013

and M.P.Nos.1 of 2013 and 1 of 2014

Radhakrishnan

.. Petitioner

Vs

1.The District Collector,
Chengalpattu 603 001.

2.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu 603 001

3.The Head Surveyor,
Chengalpattu Taluk Office,
Chengalpattu 603 001.

4.Venkataramanan

5.Vasugi Ramanan

(R4 and R5 impleaded as per the order of
this Court made in M.P.No.2 of 2013 in
W.P.No.25289 of 2013 dated 18.11.2016)

.. Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India praying for issuance of a writ of Mandamus
directing the respondents 2 and 3 not to mutate any revenue
records regarding the property bearing Plot No.102, G.S.T.Road,
Thimmarajakulam, Gundur, Survey Nos.446/3, 449/3, 449/4 and
449/6 measuring an extent of 1878 sq.ft. House site without
prior consent.

For Petitioner : Mr.S.Nethaji

For R1 to R3 : Mr.R.Govindasamy
Spl.Govt.Pleader

For R4 & R5 : Mr.M.Kempraj

O R D E R

The petitioner and the respondents 4 and 5 are the rival
claimants for the piece of land comprised in S.Nos.446/3, 449/3,
449/4 and 449/6. In this connection, various civil suits were
also filed. In the mean time, the petitioner as well as the
respondents 4 and 5 have made applications to the second
respondent seeking for mutation of revenue records in their
respective names. Pursuant to their representation, the second

respondent had also commenced an enquiry in this regard. However, since the present writ petition was pending, the second respondent had expressed his inability to proceed with the enquiry.

2. Mutation of records can be done only after a detail enquiry and the prayer sought for by the petitioner, to direct the respondents 2 and 3 not to mutate any revenue records regarding the subject land cannot be granted by this Court by exercising the power under Article 226 of the constitution of India. Pursuant to the applications made by the respective parties, the second respondent has also rightly commenced enquiry proceedings.

3. Under such circumstances, it would be appropriate if a direction is given to the second respondent to continue with enquiry and pass final orders. While passing final orders, the second respondent shall take into account the decisions and observations made in the judgments in the civil suits filed by the petitioner and the respondents 4 and 5.

4. Hence, there shall be a direction to the second respondent to issue notice to the petitioner and the respondents 4 and 5 as well as to any other persons, who may be interested in the title over the subject lands and after detail enquiry and by giving due opportunity to participate in the enquiry, shall pass orders on merits of the applications made by the respective parties in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With the above observation, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

kkd

To

1.The District Collector,
Chengalpattu 603 001.

2.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu 603 001

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3.The Head Surveyor,
Chengalpattu Taluk Office,
Chengalpattu 603 001.

+1cc to Government Pleader, Sr.67504
+1cc to Mr.M.Kempuraj, Advocate Sr.67356

W.P.No.25289 of 2013
and M.P.Nos.1 of 2013
and 1 of 2014

NRJK(CO)
RVR 10/01/2017



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