

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.17216 of 2013

&

M.P.No.1 of 2013

A.Parthiban

...Petitioner

Versus

1.The District Collector,
Kancheepuram.

2.The District Revenue Officer,
Chengalpattu,
DRO Office, Chengalpattu.

3.The Tahsildar,
Chengalpattu.

4.Murugan

5.Sagaya Marsan

6. The Deputy Director,
Town and Country Planning
Chengalpattu.

(6th respondent is impleaded suo moto
on 21.06.2016 by CJ & RMDJ)

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the 1st and 3rd respondents to consider the representation of the petitioner dated 10.09.2012 filed before the 1st respondent and take appropriate action against the 4th and 5th respondents within a stipulated time.

For Petitioner : Mr.P.Thiagarajan

For Respondents : Mr.S.T.S.Murthi
Special Government Pleader
for R.1 to R.3 and R.6
Mr.R.Thanjan for R.4
Mr.C.Prakasam for R.5

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

The Deputy Director, Town and Country Planning, Chengalpattu is impleaded as the 6th respondent. The Memo of parties be amended accordingly.

2. The allegation of the petitioner is that the patta issued in favour of the respondent No.4 is not in accordance with law, though that is contested by the learned counsel appearing for the 4th respondent, who claims that this land is inherited. It is stated that proceedings were held by the District Collector/first respondent, where both parties were heard, but no order was passed. If that be the position, then the current District Collector should look into the records and pass necessary orders in accordance with law after hearing both the parties.

3. There is also a second aspect arising from the allegation that the 4th respondent sold the land to the 5th respondent. This would necessitate the 5th respondent also to be heard before passing the aforesaid order.

4. The further allegation is that the 5th respondent has plotted and sold the land. This could not have been done except with the approved lay out plan, which is to be issued by the 6th respondent. The 6th respondent thus has to hold an enquiry in this behalf and if any violation has been found of plotting of land without obtaining sanction for lay out, then action in accordance with law will be taken.

5. The aforesaid exercise be carried out within a maximum period of three months from the date of receipt of the order.

6. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ksr

To

1.The District Collector,
Kancheepuram.

2.The District Revenue Officer,
Chengalpattu, DRO Office,
Chengalpattu.

3.The Tahsildar,
Chengalpattu.

4. The Deputy Director,
Town and Country Planning,
Chengalpattu.

+1cc to Mr.Mr.P.Thiagarajan, Advocate, S.R.No. 34223

+1cc to Mr.Mr.R.Thanjan, Advocate, S.R.No. 34977

+1cc to the Government Pleader, S.R.No. 34403

CTK(CO)
PSI (23/07/2016)

W.P.No.17216 of 2013

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