

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28639 of 2016

Mr.Sriram Panchu

... Petitioner

Vs.

1 District Revenue Officer
Kanchipuram District
Vandavasi Road,
Gandhi Nagar
Thaiyuar Kullam, Kanchipuram-631 501.

2 Revenue Divisional Officer
Chengalpattu District
GST Road, Chengalpattu Bazaar
Chengalpattu-603 302.

3 Tasildhar
Thiruporur Taluk
Chengalpattu Road
Thiruporur, Kanchipuram-603 101.

4 D.Elangovan Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to consider the petitioner representation dated 05.07.2010 expeditiously for transfer of patta in petitioner name for the lands measuring about 2 acres and 30 cents in S.No.9/2, Karunguzhipallam Village, Thiruporur Taluk, Kanchipuram District and recommended by Village Administrative Officer, Karunguzhipallam Village and Revenue Inspector, Kelambakkam Village vide reports on 07.10.2010 and 24.01.2011 respectively and the representation dated 10.06.2016 to the third respondent.

For Petitioner : Mr.R.Kumar

For Respondent : Mr.R.Govindasamy for R1 to R3
Special Government Pleader

O R D E R

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

2.The petitioner claims to be the absolute owner of the lands admeasuring to an extent of 2 acres and 30 cents in S.No.9/2, Karunguzhipallam Village, Thiruporur Taluk, Kanchipuram District through a registered sale deed bearing document no.198 of 1989, dated 13.12.1985, registered on the file of the Office of the Joint Sub Registrar II (District Registrar Cadre) and is in continuous possession and enjoyment of the same.

3.The petitioner would further aver that to his shock and surprise, he came to know that the erstwhile owner had re-conveyed the very same land to one D.Elangovan, son of Dhanakotti vide registered sale deed, dated 02.06.1997, registered on the file of the very same Sub Registrar on 27.03.1998 as document no.698 of 1998. Therefore, the petitioner filed O.S.No.62 of 2005 on the file of the District Munsiff Court, Chengalpattu against Mrs.Kamala Bai wife of M.Chittibabu and D.Elangovan for declaration that the sale deed executed by the husband of the first defendant in favour of the second defendant is null and void and both the defendants were called absent and set exparte and exparte judgment and decree came to be passed on 10.08.2005 and according to the petitioner, no further steps have been taken to set aside the exparte judgment and decree or no appeal has been filed before the appellate forum and therefore, his title and possession have become final.

4.The petitioner thereafter, approached the second respondent for making necessary corrections in the Revenue records by means of application dated 05.07.2010 and though a positive recommendation was made by the jurisdictional Revenue Inspector, the third respondent is yet to pass orders on the application and the petitioner in this regard, has also submitted a representation in person on 05.09.2015, followed by another representation dated 10.06.2016 to the third respondent and though it was received and acknowledged by the third respondent on 13.06.2016, no response is forthcoming and hence, came forward to file this writ petition.

5.Heard the submissions of Mr.R.Kumar, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3.

6. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the third respondent to act on the application of the petitioner dated 05.07.2010 and the written representations of the petitioner dated 05.09.2015 and 10.06.2016 on merits and in accordance with law, after putting on notice, the fourth respondent and pass orders, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the fourth respondent.

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

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

pri

To

- 1 District Revenue Officer
Kanchipuram District
Vandavasi Road,
Gandhi Nagar
Thaiyuar Kullam, Kanchipuram-631 501.
- 2 Revenue Divisional Officer
Chengalpattu District
GST Road, Chengalpattu Bazaar
Chengalpattu-603 302.
- 3 Tasildhar
Thiruporur Taluk
Chengalpattu Road
Thiruporur, Kanchipuram-603 101.

1 cc to M/s.R.Kumar, Advocate, sr.46947

W.P.No.28639 of 2016

ssk co
kra 22.08.2016