

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29294 of 2016
and
W.M.P.No.25321 of 2016

K.Raju @ Rajanna

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by the Secretary to Government,
Land & Reforms, Secretariat,
St. George Fort,
Chennai.
2. The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
3. The District Revenue Officer,
Thiruvannamalai District,
Pin - 606 601.
4. The Revenue Divisional Officer (RDO),
Thiruvannamalai District,
Pin - 606 601.
5. The Thasildar
Thandarampattu SO, सतयमेव जयते
Thiruvannamalai District - 606 707.
6. Gurunathan
7. A.Rajendran
8. Tmt.A.Amutha
9. C.Balasubramanian
10. Tmt.C.Saraswathy

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent vide the proceedings No.Aa2/38577/2011 dated 26.12.2013 and the proceedings of the 4th respondent in Na.Ka. A4/1267/2011 dated 20.07.2011 and quash the same consequent to directing the respondents 1 and 2 to

recover the land from the respondents 6 to 10 and handover the same to the petitioner for which the petitioner has made a representation/ appeal dated 26.02.2016 to the 2nd respondent and marked copies to the respondents 1, 3 to 5.

For Petitioner : Mr.R.Malaichamy

For Respondents : Mr.S.Navaneethan for R1 to R5
Additional Government Pleader

O R D E R

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

2.The petitioner would claim that he belongs to Scheduled Caste Community and his father was granted Panjamar land measuring 5.14 acres in S.No.64/3 and 64/4 in Vishwanthakal Mathura, Kalarpalayam Village, Tiruvannamalai Taluk and District and the respondents 6 to 10 has surreptitiously obtained patta in their names in respect of the said lands and in this regard, one of his brother has approached the fourth respondent for cancellation of the same and it was rejected vide order dated 20.07.2011 and aggrieved by the same, the petitioner and his brothers filed appeal before the third respondent who, vide order dated 26.12.2013, dismissed the said appeal.

3.The learned counsel appearing for the petitioner would submit that the petitioner vide representation dated 26.02.2016, submitted to the second respondent prays for reversal of the said order and hence, came forward to file this writ petition.

4.Heard the submissions of Mr.R.Malaichamy, learned counsel appearing for the petitioner and Mr.S.Navaneethan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 5 and he would submit that the appeal petition submitted before the second respondent is not in proper format and therefore, it may not be possible for the second respondent to consider and dispose of the said appeal.

5.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, permits the petitioner to file an appeal against the order of the third respondent dated 26.12.2013, within a period of two weeks from the date of receipt of a copy of this order, along with the application for condonation of delay and if the papers are otherwise in order, the second respondent is directed to entertain the condone delay petition and pass orders, in

accordance with law, after putting on notice, the respondents 6 to 10 and if the petitioner makes out a case for condonation of delay and if the delay is condoned, the second respondent shall entertain the appeal and give a disposal, in accordance with law, after putting the respondents 6 to 10 on notice and pass orders, as expeditiously as possible.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
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Thiruvannamalai District - 606 707.

+1cc to Mr.R.Malaichamy, Advocate, S.R.No.47793

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GJ II(CO)
CA(08/09/2016)