

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.31639 of 2016

&

WMP No.27454 of 2016

Mr.V.Annadurai

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Thirukovilur Revenue Division,
Thirukovilur,
Villupuram Dt.

2. The Tahsildar,
Thirukovilur Taluk,
Villupuram District.

3. The Tahsildar,
Kantatchipuram Taluk,
Villupuram District.

4. N.Elumalai

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the proceedings of the first respondent made in Proc.O.No.6524/A3/2015 dated 20.08.2016 and quash the same.

For Petitioner : Mr.S.Thirumavalavan

For Respondent : Mr.P.Senthilvel
Government Advocate- R1 to R3

O R D E R

This Writ Petition has been filed to call for the records of the proceedings of the first respondent made in Proc.O.No.6524/A3/2015 dated 20.08.2016 and quash the same.

2. The petitioner is the owner of the agricultural lands measuring to an extent of 2.45 acres comprised in Survey No.60/2 and an extent of 17 ½ cents comprised in Survey No.60/3 of V.Pudupalayam Village, Kantatchipuram Taluk, Villupuram District and revenue authorities have also issued patta to the petitioner based on the possession and enjoyment of the property. While so, the fourth respondent made a representation to the first respondent to cancel the patta issued to the petitioner. The first respondent conducted enquiry on the said representation and without considering the legal issues set aside the patta issued by the second respondent in an arbitrary and discriminatory manner. The patta proceedings is nothing but a consequential to the survey. Therefore, the petitioner has preferred an appeal before the first respondent. But till date no action has been taken by the first respondent on the said appeal and hence, the present Writ Petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

4. The learned counsel for the petitioner would contend that even though he has challenged the order dated 20.08.2016 of the first respondent, he is agreeable even if a direction is issued to the first respondent to dispose of the representation of the petitioner within a specified time, for which the learned Government Advocate has no serious objection as this Court is not passing any order on the merits of the case.

5. In view of the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the first respondent to dispose of the representation of the petitioner, after issuing notice to the petitioner and to the fourth respondent and take appropriate action in accordance with law as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order and the Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

vrc

12.09.2016

This matter having been listed under the Caption "For Being Mentioned" on 09.11.2016, pursuant to the order of this Court, dated 12.09.2016 and made herein in the presence of Mr.S.Thirumavalavan, Advocate for the Appellant and of Mr.P.Senthil, Government Advocate for the Respondents, the Court made the following order:-

" Clarified. No further orders are necessary."

jvm

09.11.2016

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Thirukovilur Revenue Division,
Thirukovilur,
Villupuram District.
2. The Tahsildar,
Thirukovilur Taluk,
Villupuram District.
3. The Tahsildar,
Kantatchipuram Taluk,
Villupuram District.

+1cc to the Government Pleader Sr.51916
+1cc to Mr.S.Thirumavalavan, Advocate Sr.51631

W.P. No.31639 of 2016

ks[co]
srg 22/10/2016

CA(30.11.2016)

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