

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.34849 of 2016
and W.M.P.No.30007 of 2016

Aruvi

... Petitioner

Versus

1. The Additional Chief Secretary
-cum-Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai - 600 005.
2. The Assistant Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The Collector,
Dharmapuri District.
4. The District Revenue Officer,
Dharmapuri District.
5. The Revenue Divisional Officer,
Dharmapuri District.
6. The Tahsildar,
Nallampalli Taluk, Dharmapuri District.
7. The Revenue Inspector,
Nallampalli, Dharmapuri District.
8. The Village Administrative Officer,
Laligam Panchayat,
Dharmapuri District.
9. Perumal

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, to call for entire records pertaining to the Letter No.G1/12301/2016 of the first respondent and quash the same and direct the respondents to expedite the appeal filed by the petitioner pending before the first respondent.

For Petitioner : Mr.C.Umashankar

For R1 to R8 : Mr.A.Kumar,
Special Govt. Pleader

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The case of the petitioner is that she was the absolute owner of the property and superstructure at Survey No.1014/30, Laligam Village, Dharmapuri Taluk and District, by way of a registered settlement deed dated 01.04.2011 executed by her husband, namely, L.M.Saravanan. Originally, the said property belonged to the ancestors of the petitioner's husband, from whom, the mother of the petitioner's husband got the same by way of a partition deed dated 23.12.1997. According to the petitioner, the said land was a grama natham, which was under the enjoyment of ancestors of her husband since 1914, by putting up huts. It is further stated that there was no problem from any one since the entire village community knows about the origin as well as the enjoyment of the said land in question.

3. The ninth respondent herein, namely, Perumal, who is neighbour to the petitioner, has attempted to alienate property and also lodged a complaint before the Revenue authorities, alleging that the petitioner and her husband have obtained patta from the Government under the Free Patta Scheme. Since the ninth respondent was trying to alienate the property, the petitioner filed a suit in O.S.No.55 of 2012 before the District Munsif Court, Dharmapuri, for a declaration and permanent injunction. In the mean time, the ninth respondent filed a writ petition in W.P.No.7094 of 2012 before this Court, alleging that the petitioner got the patta by giving wrong particulars. This Court, by an order dated 19.03.2012, directed the Revenue Divisional Officer to consider the representation of the ninth respondent. Pursuant to the order of this Court and based on the complaint of the ninth respondent, the Revenue Divisional Officer/5th respondent herein, by an order dated 02.06.2012, cancelled the patta. Aggrieved over the same, the petitioner preferred an appeal dated 29.06.2012, before the District Revenue Officer/4th respondent herein.

4. During the pendency of the appeal, the Tahsildar, 6th respondent herein along with some other officials accompanied by the 9th respondent, came to the house of the petitioner and pasted a notice dated 23.07.2012, under Section 7 of the Tamil Nadu Land Encroachment Act 1905. Immediately, the petitioner rushed to the District Revenue Officer, Dharmapuri and gave a representation about the said illegal act of the Tahsildar. On the pressure having been given by the ninth respondent, the District Revenue Officer, by an order dated 07.06.2016, dismissed the appeal filed by the petitioner. Aggrieved against the said order, the petitioner, on 30.06.2016 preferred

a revision before the Land Commissioner, Chennai, along with a petition for stay of the order passed by the District Revenue Officer. All of a sudden, the petitioner was served upon a order dated 15.07.2016, rejecting the stay petition filed by her. Challenging the same, the present writ petition has been filed.

5. The learned counsel for the petitioner submits that the impugned order is passed without considering the documents filed by the petitioner. However, the revision filed before the Land Commissioner, Chennai, is still pending without passing any orders. Hence, it would suffice, if the Land Commissioner, Chennai, is directed to consider the revision dated 30.06.2016 and pass orders thereon, in accordance with law.

6. The learned Special Government Pleader has no objection for such an order being passed by this Court.

7. Considering the limited prayer sought for by the learned counsel for the petitioner before this Court, a direction is issued to the Land Commissioner, Chennai, to consider the revision dated 30.06.2016 and pass orders thereon, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Additional Chief Secretary
-cum-Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai - 600 005.

2. The Assistant Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3. The Collector,
Dharmapuri District.

4. The District Revenue Officer,
Dharmapuri District.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The Revenue Divisional Officer,
Dharmapuri District.

6. The Tahsildar,
Nallampalli Taluk, Dharmapuri District.

7. The Revenue Inspector,
Nallampalli, Dharmapuri District.

8. The Village Administrative Officer,
Laligam Panchayat,
Dharmapuri District.

+1 cc to Mr.C.Umashankar,advocate,sr.56558

+1 cc to Government Pleader,sr.56930

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