

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.3691 of 2016

and W.M.P.No.3077 of 2016

K.Srinivasa

... Petitioner

vs.

1. The Chief Secretary,  
Government of Puducherry,  
Beach Road, Puducherry.
2. The Secretary,  
Revenue Department,  
Puducherry.
3. The District Collector,  
Kamaraj Salai,  
Saram, Puducherry.
4. The Deputy Collector,  
Kamaraj Salai,  
Saram, Puducherry.
5. The Director,  
Survey and Land Records Department,  
Kamaraj Salai, Saram,  
Puducherry.
6. The Tahsildar,  
Taluk Office,  
Puducherry.

7.Sridharan

8.T.Kalaimaran

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to dispose of the petitioner's representation dated 25.1.2016 and pass suitable order based on the petitioner's representation.

For Petitioner : Mr.D.Senthil Kumaar

For Respondents : Mr. A.Tamilvanan,  
Govt. Advocate (Puducherry)  
for R.1 to R.6  
Mr.R.Thamarai Selvan,  
For R.7 and R.8

#### ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 to 6 to dispose of his representation dated 25.1.2016.

2. The case of the petitioner, in brief, is as follows:-

(a) The property bearing Old Door No.17, New Door No.19, Thambu Naicker Street, Puducherry, measuring to an extent of 11,886 sq.ft. comprised in T.S.No.231 and Re-Survey No.239 Part was originally owned and possessed by petitioner's paternal grand father Seenuvasa Udaiyar and by putting up a building, he was running a rice mill in the said property under the name and style of Thangam Rice Mill. He had obtained electricity connection and also paid property tax for the said property.

(b) After the death of his paternal grand father, his paternal grand mother Kalaiammal and their children viz., Selvanathan @ Audiappatham and Kuber @ Krishnappan entered into a partition on 31.3.1999 and the same was registered as document No.2480 of 1999 on the file of Sub Registrar Office, Pondicherry. By virtue of the said partition deed, the afore said property was allotted to the petitioner's father and ever since the date of partition deed, the petitioner's father is in absolute possession and enjoyment of the said property by running the said rice mill. Subsequently, the petitioner's father changed the name of the rice mill as Srinivasa Flour Mill and is running the same till date. The sixth respondent issued patta bearing No.785 in favour of the petitioner's father and his father is regularly paying all the statutory charges to the concerned authority.

(c) While so, all of a sudden, on 17.12.2015 at 10.30 a.m., the eighth respondent came to the said property along with few unknown persons and stated that he is the General Power Agent of the seventh respondent and the seventh respondent gave power to the eighth respondent to deal with the said property. Further, the eighth respondent demanded the petitioner to demolish the

building and vacate and hand over the same to him within fifteen days, failing which they have to face dire consequences. Further, the eighth respondent informed that he submitted an application to cancel the patta bearing No.785 issued by the sixth respondent to the petitioner's father.

(d) On a perusal of the alleged deed of power of attorney, the petitioner came to know that the seventh respondent declared and confirmed that his brother Madhusudanan and his sister Devi have pre-deceased. But, on personal verification, the petitioner came to understand that the above said persons are alive. Further, it came to light that there is no such Tahsdilar, Pammal, who is alleged to have issued the legalheirship certificate dated 18.7.2013. Hence, it is clear that the seventh respondent has fabricated the Tamil Nadu Government seal and fabricated documents in order to grab the said property. In this regard, the petitioner sent a written representation dated 25.1.2016 to the respondents 1 to 6, requesting them not to cancel the patta issued in favour of his father, without following the due process of law. Since the said representation has not been considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner, learned Government Advocate, appearing for the respondents 1 to 6 and the learned counsel appearing for the respondents 7 and 8.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the fifth respondent to conduct an enquiry on the written representation of the petitioner dated 25.1.2016, by giving an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, status quo as on date to be maintained by both the parties.

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

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary,  
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Puducherry.
6. The Tahsildar,  
Taluk Office,  
Puducherry.

+2cc to Mr.D.SenthilKumar, Advocate, S.R.No.20820  
+1cc to Mr.R.Thamarai Selvan, Advocate, S.R.No.20767  
+1cc to the Government Pleader, S.R.No.20787

W.P.No.3691 of 2016

ug(CO)  
srg(11/04/2016)

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