

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.40193 of 2016

1. S.Kamalakannan

2. E.A.Sekar

.. Petitioners

Versus

1. The Commissioner,
Survey and Settlement Department,
Survey House, Chepauk, Chennai-5

2. The Settlement Officer
Office of the Survey and Settlement,
Survey House, Chepauk, Chennai-5.

3. The District Collector
Kancheepuram District
Kancheepuram.

4. The Special Tahsildar
Town Survey Settlement
Pallavaram Municipal Office,
Pallavaram, Kancheepuram District

5. G.Udhayarani

.. Respondents

Prayer : Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the 1st respondent to suitably instruct the 4th respondent as requested in his communication dated 28.01.2015 within the time stipulated.

For Petitioner : Mr.M.Venkatachalapathy
Senior counsel
for Mr.M.Devaraj

For Respondents : Mr.Digvijayapandian
No.1 to 4 Additional Government Pleader

O R D E R

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

2.The petitioner seeks for a mandamus directing the first respondent to suitably instruct the fourth respondent as requested in his communication dated 28.01.2015 within the time stipulated.

3. According to the petitioners, they are the agreement holders of the property which they prepare to purchase from the fifth respondent. There is some dispute between the petitioners and the fifth respondent and in respect of the same, a criminal complaint has been filed against the petitioners. It is further submitted that the fifth respondent is not co-operating with the petitioners for getting patta in their name. It is also stated that when the fifth respondent approached the fourth respondent, the fourth respondent sought instructions from the first respondent to effect necessary corrections in the revenue records, who inturn called for records. Though the records were received, no order has been passed by the first respondent. It is further stated that since the petitioners 1 and 2 are agreement holders, they seek a direction to R1 to consider grant of patta in the name of the fifth respondent.

4. The learned Additional Government Pleader would submit that as on date, the petitioners are not the owners of the property. They are only agreement holders. The investigation is being carried out to ascertain who is the real owner of the property and it is pending.

5. In that view of the matter, suffice to state that the first respondent who has called for the records from the fourth respondent shall cause enquiry into the matter, after giving notice to all parties concerned including the fifth respondent, who claims to be one present owner of the property and the petitioners and pass appropriate orders. Accordingly, the first respondent is directed to enquire into the matter, after giving notice to all the parties concerned, including the fifth respondent, and pass appropriate orders on merits and in accordance with law, , within a period of four months from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of, with the above directions. No costs.

Sd/-
Asst.Registrar (CS)

/true copy/

Sub Asst. Registrar

To

1. The Commissioner,
Survey and Settlement Department,
Survey House, Chepauk, Chennai-5

2. The Settlement Officer
Office of the Survey and Settlement,
Survey House, Chepuak, Chennai-5.

3. The District Collector
Kancheepuram District
Kancheepuram.

4. The Special Tahsildar
Town Survey Settlement
Pallavaram Municipal Office,
Pallavaram, Kancheepuram District

+2 cc's to Mr.M.Devaraj, advocate, sr.66036

+1 cc to Govt.Pleader, sr.66667.

tm(co)
krd 7/12

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