

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.4684 of 2016

D.Dinesh

... Petitioner

vs.

- 1 The Commissioner/Additional Chief Secretary
Land Administration
Ezhilagam, Chepauk
Chennai-600 008
 - 2 The District Revenue Officer
Kancheepuram District
 - 3 The Revenue Divisional Officer
Chengalpattu Revenue Division
Tiruporur Taluk
Kancheepuram District
 - 4 The Tahsildar
Tiruporur Taluk
Kancheepuram District
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 3rd respondent to conduct enquiry in pursuance to his proceedings in O.Mu. 396/2015/Aa dated 28.05.2015 on the basis of petitioner's representation dated 04.05.2015 mentioned to therein.

For Petitioner : Mr.R.Veeramani
For Respondents : Mr.S.V.Durai Solaimalai
Additional Government Pleader

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ORDER

The petitioner has come up with the present writ petition for a mandamus directing the 3rd respondent to conduct enquiry in pursuance to his proceedings in O.Mu. 396/2015/Aa dated 28.05.2015 on the basis of the representation of the petitioner dated 04.05.2015 mentioned to therein.

2. On 06.11.1985, the petitioner's father purchased a house site measuring an extent of 10 cents or 4368 sq.ft in Survey No.106/2B at Kilmambakkam Village, Egattur Mathura, Thiruporur Taluk, Kancheepuram District. The said document was registered under Document No.2602 of 1985 on the file of Sub Registrar Office, Tiruporur. Adjacent to petitioner's father's house site, another house site measuring an extent of 4 cents or 1544 sq.ft was purchased by the petitioner's mother on 21.05.1986. The said document was registered as Document No.1078 of 1986 on the file of Sub Registrar Office, Tiruporur. The petitioner's parents are employed in Chennai. The petitioner pursuing his degree in Law at Chennai. However in order to protect the property, the said property was fenced around. Since the property is a vacant site, the property tax was not assessed. The vendors of the parents of the petitioner, who are residents of the said village, had been looking after the petitioner's house site. Since the petitioner's father was not well, he executed a deed of settlement in favour of the petitioner on 12.07.2002, registered as Document No.1588 of 2002 at the Sub Registrar Office, Tiruporur. In order to protect the property, the petitioner went to pay tax for vacant site. During updating of revenue records (UDR) Scheme, the lands in Survey No.106/2B had been subdivided into New Survey Nos.155/7, 8 & 10 and patta had been wrongly issued in the name of petitioner's parent's vendors. The petitioner preferred complaint before the police attached with Land Grabbing Cell. The Deputy Superintendent of Police, Kancheepuram, directed the third respondent ie., Revenue Divisional Officer, Chengalpattu Revenue Division, Tiruporur Taluk, to survey and find out whether there is any anomaly and foul play in issuance of patta with a view to take further action. However, no action was taken. Hence, the petitioner presented a petition to the first respondent on 04.05.2015, which was forwarded to the third respondent for suitable action in accordance with law and report his decision. Yet no action was taken. However, the third respondent directed the fourth respondent vide proceedings in O.Mu.396/2015/Aa dated 28.05.2015 to make field inspection and submit a report. In spite of that, still the respondents are delaying the matter. Hence, the petitioner has come forward with the present Writ Petition.

3. I have heard the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the fourth respondent to make field inspection and send a detailed report to the third respondent within a period of three weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to forward the same to the second respondent and the second

respondent is directed to conduct enquiry, by affording an opportunity of personal hearing to the petitioner and to the necessary parties, if any, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner/Additional Chief Secretary
Land Administration
Ezhilagam, Chepauk
Chennai-600 008
- 2 The District Revenue Officer
Kancheepuram District
- 3 The Revenue Divisional Officer
Chengalpattu Revenue Division
Tiruporur Taluk
Kancheepuram District
- 4 The Tahsildar
Tiruporur Taluk
Kancheepuram District.

+1cc to M/s. R. Veeramani, Advocate, S.R.No.7893
+1cc to the Government Pleader, S.R.No.8224

MP(CO)
EU(26/02/2015)

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