

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6131 of 2016

N.Ramadoss

.. Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
Thirukovilur, Villupuram District.
3. The Thasildar,
Thirukovilur, Villupuram District.
4. Rajaraman
5. Anbukkarasi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent herein to conduct enquiry on the representation preferred by the petitioner, dated 27.07.2015 in the light of the letter issued by the first respondent to the second respondent, vide Na.Ka.No.A3/14680/2015, dated 05.08.2015 and issue separate patta in respect of the petitioner's land measuring an extent of 60 cents of land from and out of 1.80 cents of land bearing S.No.13/1A measuring in extent of 1.80 cents situate at C-Meiyr Village, Thirukovilur Taluk, Villupuram District.

For Petitioner : Mr.M.Venkadeshnan

For Respondents : Mr.Dig Vijay Pandian, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent herein to conduct enquiry on the representation preferred by the petitioner, dated 27.07.2015 in the light of the letter issued by the first respondent to the second respondent, vide

Na.Ka.No.A3/14680/2015, dated 05.08.2015 and issue separate patta in respect of the petitioner's land measuring an extent of 60 cents of land from and out of 1.80 cents situated at C-Meiyur Village, Thirukovilur Taluk, Villupuram District.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that the agricultural land bearing Survey No.13/1A, measuring an extent of 1.80 cents situated at C-Meiyur Village, Thirukovilur Taluk, Villupuram District, is their ancestral property, owned by their late paternal grandfather Sarangapani Pillai and their grandmother Rangammal. Subsequent to the demise of their paternal grandfather and grandmother, the legal heirs of late Sarangapani Pillai and Rangammal, succeeded to the estate and were in joint possession and enjoyment of the property. Two legal heirs, namely Narasingam and Chandrahasan died. The writ petitioner is the son of late Narasingam and the fourth respondent is the son of late Sarangapani Pillai and fifth respondent herein is the wife of the fourth respondent. Out of total 1.80 cents of land, the legal heirs of deceased Narasingam, the legal heirs of deceased Chandrahasan and the legal heirs of Rajaraman, are entitled to 60 cents of land each and the petitioner is in possession and enjoyment of his respective share in the property. The fourth respondent is entitled to only 60 cents of land. The petitioner relies on the copy of the Adangal Register enclosed in the typed set of papers filed along with the Writ Petition, in respect of the extent of land to show that 1.80 cents belonged to their late paternal grandfather Sarangapani Pillai. It is the grievance of the petitioner that the fourth respondent obtained patta in his name, by playing dubious game with the third respondent, in respect of entire 1.80 cents of land, i.e. including the shares of late Narasingam and late Chandrahasan. The fourth respondent also settled the property in favour of his wife (fifth respondent) by way of settlement deed, dated 28.11.2014. Hence, the petitioner preferred a representation, dated 27.07.2015 to the respondents 1 to 3 for cancellation of patta issued by the third respondent in favour of the fourth respondent in respect of total 1.80 cents and also prayed for issuing separate patta in respect of his share. The first respondent, vide proceedings dated 05.08.2015, directed the second respondent to conduct enquiry on the said representation. In spite of the said direction, the second respondent has not conducted enquiry. Hence, the petitioner has filed the Writ Petition for the relief stated above.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. Without going into the merits of the case, this Writ Petition is disposed of, with a direction to the second respondent to consider the said representation of the petitioner, dated 27.07.2015 and conduct enquiry, and after giving an opportunity of

hearing to the petitioner and necessary parties, including the fourth and fifth respondents, dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

CS

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
Thirukovilur, Villupuram District.
3. The Thasildar,
Thirukovilur, Villupuram District.

1 cc to Mr.M. Venkadesan, Advocate, Sr. 11252
1 cc to Government Pleader, Sr. 10781

W.P.No.6131 of 2016

RSY(CO)
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