

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6649 of 2016

J.Desammal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tambaram,
Kancheepuram District.

2.The Tahsildar,
Tambaram Taluk,
Kancheepuram District.

3.Mr.S.Kannan

4.Mrs.K.Sivagami

5.Mrs.P.Bhargavi

6.Mrs.Ushadevi

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to conduct enquiry and pass appropriate orders on the Representation of the petitioner dated 07.10.2015, submitted for cancellation of sub-division entries and Patta in respect of property in S.No.126/1B, of an extent of 12 cents, situated at Perungalathur village, Tambaram Taluk, Kancheepuram district and restore the same in the name of the petitioner.

For Petitioner : Mr.A.Ramalingam

For Respondents : Mr.P.Sanjay Gandhi for R1 and R2
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the first respondent herein to conduct enquiry and pass appropriate orders on the representation of the petitioner dated 07.10.2015, submitted for cancellation of sub-

division entries and Patta in respect of property in S.No.126/1B, of an extent of 12 cents, situated at Perungalathur Village, Tambaram Taluk, Kancheepuram District and restore the same in the name of the petitioner.

3. In the petition it is stated that the petitioner is the absolute and exclusive owner of the house site property measuring an extent of 12 cents comprised in S.No.126/1, as per Patta No.1652, S.No.126/1B situated at Perungalathur Village, Tambaram Taluk, Kancheepuram District. It is further stated that originally the larger extent of land comprised in S.No.126/1 and S.No.126/2 were purchased by one Veerammal vide registered Sale deed dated 10.07.1960 and the said Veerammal executed a registered Settlement Deed dated 05.01.1973 in favour of her son Sriramulu Reddy and her grandsons Jayakannu @ Jayakumar and Sambath in respect of property in S.No.126/1 measuring an extent of Acre 1.93 and S.No.126/2 measuring an extent of Acre 0.50 cents totalling Acre 2.43 cents vide document no.27/1973 and the said Sriramulu and his sons Jayakannu and Sambath had been put to possession and enjoyment of the said property.

4. It is further stated that the said lands measuring an extent of 92 cents comprised in S.No.126/1A, situated at Perungalathur Village, Tambaram Taluk, Kancheepuram District were acquired by the competent Authority (ULC), Tambaram under Urban Land Ceiling Act. Thereafter, on request of the said Jayakannu @ Jayakumar, the competent Authority (ULC), Tambaram had issued patta for an extent of 500 sq.meters and allotted the same to the said Jayakannu @ Jayakumar and the said Jayakannu @ Jayakumar got separate patta and all revenue records namely, Chitta, Adangal stand in the name of Jayakannu @ Jayakumar, the husband of the petitioner herein.

5. It is further stated that the said Jayakannu @ Jayakumar had executed a Settlement Deed in favour of the petitioner in respect of the above said property of an extent of Acre 0.12 cents in S.No.126/1B and the same was registered as document no.4335/2015 in the office of the Sub-Registrar, Padappai and since then, the petitioner is the absolute and exclusive owner of the said property. Thereafter, the petitioner made application to the second respondent for the name transfer of patta. At this juncture, the petitioner came to know that by creating false and fabricated documents, the respondents 3 to 6 had obtained patta. In this regard, the petitioner made a representation to the respondent to cancel the sub-divisions which was wrongly entered in the name of the respondents 3 to 6. Though the representation was received by the first respondent, till date no action has been taken. Hence, this petition.

6.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader.

7.Considering the submissions made on either side and without going into the merits of the claim of the petitioner, this Court directs the second respondent to conduct enquiry on the representation of the petitioner dated 07.10.2015 and pass appropriate orders after affording opportunity of personal hearing to the petitioner as well as the respondents 3 to 6 and other necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is open to the second respondent to decide the matter purely on merits.

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

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Revenue Divisional Officer,
Tambaram,
Kancheepuram District.

2.The Tahsildar,
Tambaram Taluk,
Kancheepuram District.

+ 1 cc to Mr.A.Ramalingam, Advocate Sr 11580

+ 1 cc to The Govt.Pleader, Sr 11751

KR/1/3/16

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