

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7805 of 2016

A.S.Sankaran

... Petitioner

Vs.

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Revenue Divisional Officer,
Kanchipuram District,
Kanchipuram.
3. The Tahsildar,
Sriperumbudur Taluk,
Sriperumabudur,
Kanchipuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to hold enquiry on the basis of the petitioners various representations dated 30.01.2015, 06.05.2015, 02.07.2015 and 01.09.2015 to enable the 3rd respondent to restore classification of land into Agricultural land, thereby cancelling the pattas if any issued to any one in respect of agricultural land measuring 2.92 acres situated at Sirukalathur Village, Sriperumbudur Taluk, Kanchipuram District.

For Petitioner

: Mr.D.Ravi

For respondents

: Mr.S.Navaneethan, AGP

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 2nd respondent to hold enquiry on the basis of the petitioners various representations dated 30.01.2015, 06.05.2015, 02.07.2015 and 01.09.2015 to enable the 3rd respondent to restore classification of land into Agricultural land, thereby cancelling the pattas, if any, issued to any one in respect of agricultural land measuring 2.92 acres situated at Sirukalathur Village, Sriperumbudur Taluk, Kanchipuram District.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows

The petitioner and his two younger brothers namely Santhamoorthy and Mani owned 42 ares (1 acre 4 cents) of agricultural land in Survey No.534 and 76 ares (1 acre 88 cents) in Survey No.353, totally 2.92 acres situated in Sirukalathur Village, Sriperumbudur Taluk, Kanchipuram District and joint patta bearing No.298 dated 06.05.2015 has been issued in their favour by the 3rd respondent herein. The petitioner's youngest brother Mani has given power to one Nagappan, to sell the property measuring about 97 cents. The entire property is undivided property, in which 97 cents is covered by the said Power Agent Deed. The said Nagappan appears to have taken 97 cents in the middle of the entire extent of 2.92 acres in order to make layout and he has sold to 9 intending purchasers and pattas also have been issued to them. Further, the said Nagappan has encroached upon 1.94 acres out of 2.92 acres, even though he has been given power only for 97 cents. The said Nagappan has been given power only for 1/3rd share in the entire extent of 2.92 acres. Hence, he is not having locus standi to occupy and encroach into 1.94 acres. By means of encroaching into 1.94 acres, he has made "Bhavani Nagar" Layout on his own, without getting any permission from the concerned Panchayat Board. The concerned Panchayat Board has also informed the petitioner that no approval or permission has been given to the said Nagappan regarding the said layout. But, the said Nagappan made duplicate sketch on his own and cheated the purchasers. In this regard, the petitioner has sent representations to the 3rd respondent seeking to cancel the patta issued to the third persons; but, no action was taken by the 3rd respondent. Thereafter, the petitioner has given a representation dated 1.9.2015 to the 2nd respondent. Since no action was taken by the 2nd respondent, the petitioner has filed the present writ petition for the relief as stated supra.

3. Heard both sides and perused the materials available on record.

4. Considering the limited scope of the prayer sought for in the writ petition, without expressing any opinion on the claim of the petitioner, this Court directs the 2nd respondent to consider the representation dated 01.09.2015 given by the petitioner, and pass appropriate orders, after affording opportunity of personal hearing to the petitioner as well as to all other necessary parties, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.
No costs.

ssv

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Revenue Divisional Officer,
Kanchipuram District,
Kanchipuram.
3. The Tahsildar,
Sriperumbudur Taluk,
Sriperumabudur,
Kanchipuram District.

+ 1 cc to M/s.R.Vasudevan Advocate, SR 13732

+ 1 cc to Govt.Pleader, High Court, Madras SR 13803

ppa (co)
prk11/3

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सत्यमेव जयते

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