

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.9032 of 2016

1.V.Anandan
2.A.Kamatchi

... Petitioners

vs.

1.The District Collector,
Kancheepuram District.

2.The Revenue Divisional Officer,
Sriperumbudur Taluk.

3.The Tahsildar,
Sriperumbudur Taluk.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to consider the petitioners' representation dated 26.6.2015 after conducting enquiry on merits within the stipulated time fixed by this Court.

For Petitioners : Mr.M.Ravibharathi

For Respondents : Mr.V.S.Ramesh,
Govt. Advocate.

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents to consider their representation dated 26.6.2015 after conducting enquiry on merits within the stipulated time fixed by this Court.

3. The case of the petitioners, in brief, is as follows:-

(a) The petitioners are husband and wife. The first petitioner is the absolute owner of the property comprised in Old Survey No.196/2 Part, New Survey No.654/21, Santhavellore Village, Sriperumbudur Taluk, Kancheepuram District measuring to an extent of 752 sq.mt. (8095 sq.ft.) and the second petitioner is the absolute owner of the vacant land comprised in Old Survey No.196/2 Part, New Survey No.654/28, Santhavellore Village, Sriperumbudur Taluk, Kancheepuram District measuring to an extent of 752 sq.mt. (8095 sq.ft.).

(b) The property comprised in Old Survey No.196/2 Part, New Survey No.654/21, Santhavellore Village, Sriperumbudur Taluk, Kancheepuram District measuring to an extent of 752 sq.mt. (8095 sq.ft.), was originally owned by one Venugopal and the said Venugopal settled the same to and in favour of the first petitioner herein by a registered settlement deed No.4943/2007 dated 28.3.2007. From the said date onwards, the first petitioner has been in continuous and uninterrupted possession and enjoyment of the same.

(c) Similarly, the vacant land comprised in Old Survey No.196/2 Part, New Survey No.654/28, Santhavellore Village, Sriperumbudur Taluk, Kancheepuram District measuring to an extent of 752 sq.mt. (8095 sq.ft.), was originally owned by the first petitioner herein. Later, the first petitioner settled the same to and in favour of the second petitioner herein by a registered settlement deed No.4944/2007 dated 28.3.2007. From the said date onwards, the second petitioner has been in continuous and uninterrupted possession and enjoyment of the same.

(d) While so, some anti social elements, with the help of political goodas and friendly police officials, have threatened the petitioners to sell their properties at a lower price. Hence, the petitioners approached the police officials. But, they asked the petitioners to produce the original documents in support of their claim. Accordingly, the petitioners produced all the original documents. However, the anti social elements produced a copy of the Adangal Extract dated 28.8.2014 signed by the Village Administrative Officer, Santhavellore Village, showing the properties as Natham Poromboke in the revenue records. When the petitioners enquired the Village Administrative Officer about the same, he directed them to get an order from the competent Court of Law. In this regard, the petitioners approached the State Human Rights Commission, Tamil Nadu, by giving a representation dated 26.6.2015 for proper enquiry, which in turn, forwarded the same to the first

respondent herein. On receipt of the same, the first respondent forwarded the said representation to the third respondent. But, till date, no action was taken on the said representation. Hence, the petitioners have come up with the present writ petition seeking a direction to the respondents to consider their representation dated 26.6.2015 after conducting enquiry on merits within the stipulated time fixed by this Court.

4. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioners to give a fresh representation along with a copy of this order to the third respondent within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the third respondent is directed to consider the said representation and dispose of the same on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioners as well as to the necessary parties, if any, within a period of eight weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioners and it is for the third respondent to consider the claim of the petitioners strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

sbi

To

1.The District Collector,
Kancheepuram District.

2.The Revenue Divisional Officer,
Sriperumbudur Taluk.

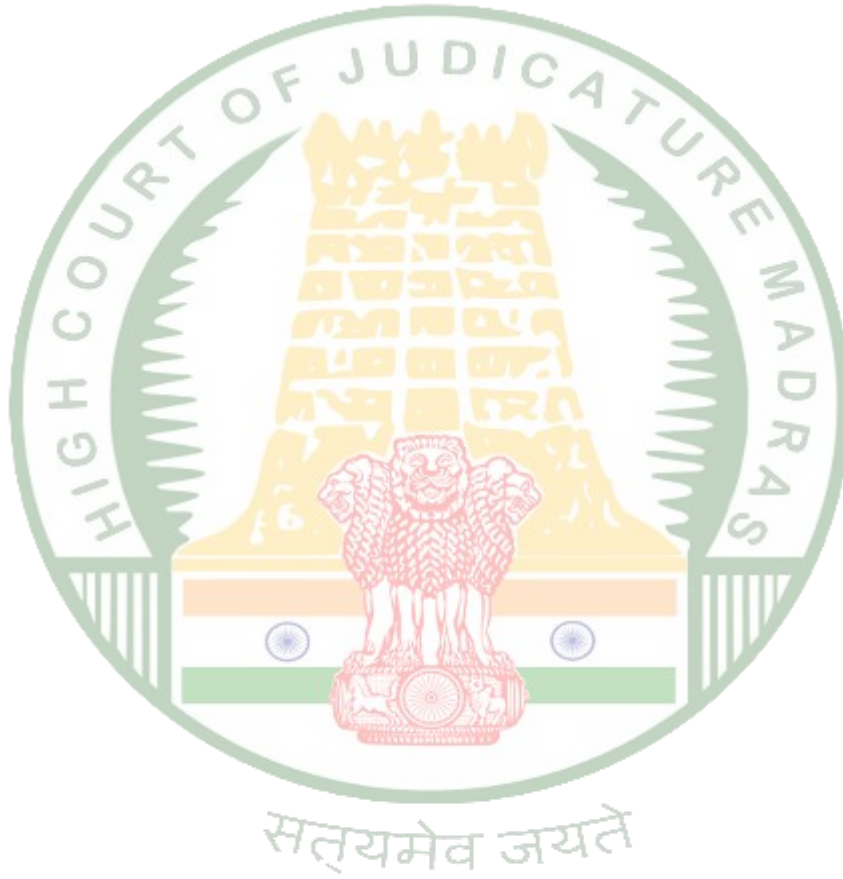
3.The Tahsildar,
Sriperumbudur Taluk.

WEB COPY

+1 cc to Mr.M.Ravibharathi Advocate sr.15468
+1 cc to Government Pleader High Court Madras
sr.15710

W.P.No.9032 of 2016

aa31/03/2016



WEB COPY