



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:14.06.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **M.VENUGOPAL**

W.P. (MD)No.10147 of 2016

K.P.Jeyapaul Asan

... Petitioner

Vs.

1. The Commissioner of Revenue Administration,
Chennai-5.

2. The Commissioner of Land Administration,
Chennai-5.

3. The District Collector,
Kanyakumari District,
Nagercoil.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first and second respondents to dispose the petitioner's appeal dated 13.08.2015 in respect of cancellation of patta and to take legal and penal action against the officers those who violated the law while granting patta based on forged sale deed without hearing the petitioner within a stipulated time fixed by this Court.

For Petitioner	:	Mr.C.Sankar Prakash
For Respondents	:	Mr.S.Kumar, Additional Govt. Pleader

O R D E R

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

3. The grievance of the petitioner is that the act of Revenue Officials granting patta to the accused for the land sold under forged sale deed without providing an opportunity to the petitioner is against the natural justice. Further that all the Revenue Officials are liable to be punished under Indian Penal Code and also liable for departmental proceedings.

4. It appears that the petitioner made a representation on 17.03.2015 to the respondents 1 and 2 to take penal action and

disciplinary proceedings against the Revenue Officials, who wantonly disobeyed the Law and till date no action has been taken against them.

5. It comes to be known that the petitioner filed W.P.(MD). No.5296 of 2015 and this Court, on 28.02.2015, directed the second respondent to pass appropriate orders within a period of six weeks after providing an opportunity of hearing to him. In fact, as per order passed in W.P.(MD).No.5296 of 2015, the petitioner sent all necessary documents to the second respondent/Commissioner of Land Administration, Chennai. It is the plea of the petitioner that the second respondent referred the matter to the third respondent/District Collector, Kanyakumari District, Nagercoil to dispose of the representation and the third respondent passed an order in respect of cancellation of patta and for the representation of the petitioner to take action against the disobeyed officers while granting patta.

6. The grievance of the petitioner is that the third respondent/District Collector, Kanyakumari District had not disposed of his case, in terms of the order passed by this Court and no opportunity of hearing was given to him. In short, according to the petitioner, the third respondent had closed his case without assigning any valid reason.

7. The learned counsel for the petitioner urges before this Court that the third respondent/District Collector, Kanyakumari on misconception mentioned the criminal case as civil case and as such, rejection of cancellation of Patta can be decided only after disposal of criminal case in P.R.C.No.10 of 2010 is an erroneous and non application of mind.

8. Admittedly, the petitioner's appeal dated 13.08.2015 before the respondents 1 and 2 to take action against the officers, who disobeyed the Law is pending and till date, the same is not yet disposed of.

9. Considering the fact that the petitioner's appeal dated 13.08.2015 is pending before the first respondent/Commissioner of Revenue Administration, Chennai, this Court, at this stage, deems it fit to direct the first respondent/Commissioner of Revenue Administration, Chennai to take the petitioner's pending appeal dated 13.08.2015 within four days from the date of receipt of a copy of this order. Thereafter, the first respondent/ Commissioner of Revenue Administration, Chennai is to look into the petitioner's appeal dated 13.08.2015 with all seriousness and earnestness and to dispose of the said appeal within a period of six weeks from the date of receipt of a copy of this order. The first respondent is directed to pass a reasoned speaking order on merits and is also further directed to adhere to each and every aspect of the contention/plea taken on behalf of the petitioner in



the appeal and to answer the same in the manner known to law and in accordance with law.

10. The petitioner is directed to render his assistance and unstinted co-operation in regard to the disposal of the pending appeal dated 13.08.2015 before the first respondent.

11. With the aforesaid observation and direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Revenue Administration,
Chennai-5.

2. The Commissioner of Land Administration,
Chennai-5.

3. The District Collector,
Kanyakumari District, Nagercoil.

+1 CC to the Special Government Pleader, SR No.30513

+1 CC to Mr.C.SANKAR PRAKASH, Advocate, SR No.30365

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14.06.2016

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SH/ARK-PV:24.06.2016:3P/6C