

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.6279/2017 in W.M.P.No.6769 to 6771/2017

J.Ramesh
J.Rajendran

Petitioners

..
Versus

1. The State of Tamil Nadu,
Rep. by the District Collector,
Vellore District, Vellore
2. The Additional Director of Survey & Land Record,
Survey House, Chepauk,
Chennai - 600 005
3. The Revenue Divisional Officer,
Vellore 9
4. The Tahsildhar
Katpadi Taluk,
Katpadi, Vellore District
5. The Village Administrative Officer,
Kodukkanthangal Village,
Katpadi, Vellore District
6. Subramani S/o.K.Kannan
7. Kumar,
S/o.K.Kannan
residing at Kodukkanthangal Village,
Vinnampalli Post, Katpadi Taluk,
Vellore District, Tamil Nadu - 632 516

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified Mandamus calling for the records of the 3rd Respondents, culminating in the Natham Survey Patta No.21 issued by the 3rd respondent either in the names of the 6th and 7th respondents in respect of the land comprised in Punjai Land Survey No.82/3 of Kodukkanthangal Village, Katpadi Taluk, Vellore District, covered by Punjai Revenue Survey Patta No.258, and quash the said patta No.21 and consequently direct the 1st to 5th

respondents to survey and mark the Petitioners' ancestral property in Punjai Survey No.82/3 as covered by Patta No.258 and lay the boundary stones for the same.

For Petitioner : Mr.D.Gopal
For Respondents : Mr.S.V.Doraisolaimalai, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.S.V.Doraisolaimalai, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The grievance expressed by the petitioner appears to be that in respect of the landed property admeasuring an extent of 26 Cents (Patta No.258) comprised in Survey No.82/3 of Kodukkanthaangal Village, Katpadi Taluk, Vellore District and the joint patta was in the name his grandfather, viz., Mr.Varadappa Gounder and without putting the concerned person/s on notice, as per Natham land Tax Scheme 1993 & 1994, free patta has been granted in favour of one Mr.K.Kannan to an extent of 26 cents in Survey No.82/3 and thereafter it is also been subdivided and the petitioner, in this regard has sought for information from the office of the District Collector, Vellore by invoking the provisions of the Right to Information Act, 2005 and the office of the District Collector, Vellore, vide endorsement dated 20.02.2017 in Na.Ka.No.D3/328/2017, has informed that there is some mistake in the said scheme and relevant information is also not available with them and if the petitioner wants any further information, he may contact the Revenue Divisional Officer, Vellore by submitting a petition.

3 The learned counsel for the petitioner would further submits that though the joint patta was in the name of the grandfather of the petitioner, without putting him on notice, a free house site patta has been granted in favour of the private respondents and sub division has also been affected and therefore, the petitioners are constrained to approach this court by filing this writ petition.

4 Per contra, Mr.S.V.Doraisolaimalai, learned Additional Government Pleader appearing for the respondents would submit that if the petitioners are aggrieved by the fact that a wrong entry with regard to the patta, remedy open to them is to file an appeal before the Revenue Divisional officer, Vellore and if they are so advised, they may do so.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 Though the Petitioners have prayed for a larger relief, this court in the light of the above facts and circumstances and without going into the merits of the claim projected by them, permits the petitioners to submit an appeal to the Revenue Divisional Officer, Vellore District / 3rd respondent herein, within a period of two weeks from the date of receipt of a copy of this order, by enclosing the relevant and necessary documents and upon receipt of the same, the said official shall entertain the said appeal, if the papers are otherwise in order and without putting the issue of limitation, shall put the private respondents, viz., respondents 6 and 7 and other concerned person/s on notice and thereafter give a disposal on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondent 6 & 7 and the person/s concerned.

7 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition are closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

AP/RKA

To

1. The District Collector,
Vellore District, Vellore.
2. The Additional Director of Survey & Land Record,
Survey House, Chepauk, Chennai - 600 005.
3. The Revenue Divisional Officer,
Vellore.
4. The Tahsildhar
Katpadi Taluk,
Katpadi, Vellore District.

5. The Village Administrative Officer,
Kodukkanthaangal Village,
Katpadi, Vellore District.

+1 CC to M/s. D. Gopal & D. Raghu, Advocate sr 16186

+1 CC to The Govt. Pleader sr 16526

MP (CO)
sp/27/3

W.P.No.6279 of 2017



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