

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.6829 of 2017

A.Vaithi

... Petitioner

Vs

1. The District Collector,  
Thiruvallur District,  
Thiruvallur.

2. The Revenue Divisional Officer,  
Ambattur,  
Thiruvallur Taluk.

3. The Tahsildhar,  
Madhuravayal Taluk,  
Alappakkam,  
Chennai 600 116.

4. Mr.Sermaraja

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to pass appropriate orders on the proposal sent by the 3rd respondent in Letter No.2077/2014/A1 dated 15.06.2016, regarding issuance of patta for the land comprised in Survey No.544 measuring 0.60.0 hectare in Aynambakkam Village, Madhuravoyal Taluk, Thiruvallur District, in accordance with law, within a time frame.

For Petitioner : Mr.N.Anand Venkatesh

For Respondents : Mr.R.S.Selvam  
Government Advocate

O R D E R

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

2.The petitioner would submit that out of 1.71 acres in S.No.544, Ayanambakam Village belonging to Kadumbadi and family, an extent of 60 cents of land alone was purchased by petitioner's father from one Vaithilingam, one of the son of Kadumbadi, who has 1/3rd share in it. After purchase of 60 cents, petitioner's father was issued with B-memo by the Tahsildhar, Ambatur. Whiles, the other two sons filed a suit in O.S.No.9 of 1979 seeking for a permanent injunction restraining the petitioner's father from interfering with their possession and enjoyment of land in S.No.544. Trial Court partially dismissed the suit and granted permanent injunction in favour of the other two sons of Kadumbadi and family only in respect of 1.11 acres alone. When the petitioner applied for encumbrance certificate, he came to know that under settlement deed dated 01.06.2012, registered as Doc.No.6547 of 2012, the said land was settled in favour of K.Sermaraja, the 4th respondent herein. According to the petitioner, the settlement deed dated 01.06.2012, is a bogus one and based on that the Tahsildhar of Ambattur had issued Patta No.2852 in favour of the 4th respondent herein. In this regard, the petitioner's father had given a representation dated 08.08.2014, to the respondents 1 to 3, seeking to cancel the patta granted in favour of the 4th respondent and to issue patta in his favour in respect of 57 cents of land purchased by him. On receipt of the representation, the 3rd respondent initiated patta proceedings in file No.2077/2014/A1 and conducted detailed enquiry and sent a report to the 2nd respondent for passing necessary orders. Since no action was taken, petitioner filed a petition in W.P.No.1548 of 2016 before this Court and by an order dated 19.01.2016, this court directed the 3rd respondent to pass appropriate orders on patta proceedings pending in file No.2077/2014/A1. Despite the order and contempt notice dated 03.06.2016 to the second respondent, no orders have been passed. Hence, the petitioner has come forward to file this Writ Petition.

3. Heard the submission of Mr.N.Anand Venkatesh, learned counsel appearing on behalf of the petitioner and Mr.R.S.Selvam, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3.

4. This Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the second respondent to consider and pass appropriate orders on the proposal sent by the 3rd respondent in letter No.2077/2014/A1 dated 15.06.2016 in accordance with law, after putting on notice, the persons concerned and pass orders within a period of four months from the date of receipt of a copy of this order and communicate the decision taken, to the

petitioner as well as to the persons concerned.

This writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

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To

1. The District Collector,  
Thiruvallur District,  
Thiruvallur.
  2. The Revenue Divisional Officer,  
Ambattur,  
Thiruvallur Taluk.
  3. The Tahsildhar,  
Madhuravayal Taluk,  
Alappakkam,  
Chennai 600 116.
- +1 cc to Mr.Anand Venkatesh, Advocate, SR.No.17667
- +1 cc to Government Pleader, SR.No.17733

kji(co)  
rmp(11/04/17)

सत्यमेव जयते

W.P.No.6829 of 2017

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