



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.7186 of 2017

Sivaraman

... Petitioner

Vs.1. The Commissioner of Land Administration,
Chepauk, Chennai.

2. Veeraraju

3. Raja

4. Sekar

5. Govindarajan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to initiate suitable steps for cancellation of the patta issued to respondents 2 to 5 and their predecessor in interest to subject land in Patta No.1177 for Survey No.87/1 with an extent of 1.73.0 Hectares at Kalanivasal Village, Karaikudi Taluk, Sivagangai District.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader for R.1**ORDER**

This writ petition has been filed seeking a writ of Mandamus, directing the first respondent to take steps for cancellation of the Patta No.1177 issued in favour of respondents 2 to 5.

2. According to the petitioner, the land in question is a Temple Poramboke, whereas, by creating some forged documents, the respondents 2 to 5 have obtained patta in their names. Aggrieved thereby, the petitioner has submitted a representation before the authorities and because of their inaction, W.P(MD)No.15703 of 2014 came to be filed, wherein, the Division Bench of this Court had directed to authorities to consider and pass orders on the representation of the petitioner. Even thereafter, according to the petitioner, the authorities had not taken any action and hence, Cont.P(MD)No.854 of 2016 was filed and it came to be dismissed, recording the submission of the learned Additional Government Pleader that the authorities are taking proper efforts for cancellation of patta. Despite the same, still the patta stands in



the name of the respondents 2 to 5 and therefore, the petitioner has submitted a representation dated 15.02.2017 before the first respondent and as the same is kept pending, without any action, the petitioner is before this Court for the aforesaid relief.

3. The learned Additional Government Pleader, on instructions, submitted that suitable orders will be passed by the first respondent on the representation of the petitioner dated 15.02.2017, on merits, within a stipulated time limit.

4. Heard both sides and perused the documents available on record.

5. It is seen that despite the direction issued by the Division Bench of this Court for passing orders on the representation of the petitioner, the authorities had not passed any orders, which resulted in filing a contempt petition. Subsequently, based on the submission of the learned Additional Government Pleader, that the respondents were taking steps to comply with the order of this Court, the said contempt petition was dismissed. Even thereafter, no orders came to be passed by the first respondent till now.

6. Though the act of the authorities will amount to contempt, this Court is not inclined to initiate any contempt proceedings against the first respondent, but, at the same time, without going into the merits of the case, directs the first respondent to pass appropriate orders on the representation of the petitioner dated 15.02.2017, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and respondents 2 to 5 as well as other interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order, without causing any further delay.

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

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

The Commissioner of Land Administration,
Chepauk, Chennai.

+ 1 CC TO Mr.N.BALAKRISHNAN, ADVOCATE IN SR No. 87796

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 87953

GK

<https://hcservices.ecourts.gov.in/hcservices/>

TE/KP/SAR-4 : 24/11/2017 : 2P/4C

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15.11.2017