

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5370 of 2018

And

W.M.P.No.6593 of 2018

Mr.Gopal Naicker

.. Petitioner

Versus

1.The District Collector,
Vellore District.

2.The Revenue Divisional Officer,
Vellore District.

3.The Tahsildar,
Arakonam Taluk Office,
Arakkonam.

4.The Village Administrative Officer,
Jahirthandalam,
Melvenpakkam,
Arakkonam Taluk.

Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, quashing the notice of the third respondent in Na.Ka.B1/6229/16 dated 12.1.2018 and direct the second and third respondents to conduct enquiry based on the petitioner's representation dated 5.2.2018 and issue patta in the name of the petitioner in respect of Survey No.74/15, Jahirthandalam Village, Arakkonam Taluk, Vellore District.

For Petitioner : Mr.S.Jaganathan

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

O R D E R

The order of the third respondent-Tahsildar, dated 12.1.2018 in respect of the claim of the writ petitioner for grant of patta, is under challenge in this writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, made a submission that the property described in the writ petition belongs to the family of the writ petitioner and his grandfather had purchased the same through a Sale Deed dated 29.1.1908. The said property is in continuous possession and enjoyment of the family of the writ petitioner and the writ petitioner inherited the property from his grandfather. However, the application submitted by the writ petitioner, seeking patta, has been negatived on the ground that the said land has been classified as Government poramboke. However, the writ petitioner states that the land cannot be designated as the Government poramboke and it is an erroneous entry made in the revenue records.

3. The writ petitioner is able to submit the documents to show that the said property had been purchased by the grandfather of the writ petitioner in the year 1908 and the writ petitioner is in possession of all the documents with him and without even conducting a proper enquiry, the Tahsildar has passed order, rejecting the claim of the writ petitioner summarily.

4. The grievance of the writ petitioner is that he was not even permitted to submit his documents and adduce evidences for grant of patta in respect of the property in his possession and enjoyment.

5. On a perusal of the order, this Court is of an opinion that the Tahsildar has not examined any documents nor has examined the witnesses, if any, required. Thus, the writ petition is a fit case for remand.

6. Accordingly, the order passed by the third respondent in proceedings Na.Ka.B1/6229/16, dated 12.1.2018 is quashed and the third respondent is directed to take the application submitted by the writ petitioner on file and issue notice to all the persons concerned and conduct an enquiry by accepting the documents, if any, produced by the writ petitioner and by providing reasonable opportunity and if necessary, personal enquiry and thereafter, take a decision and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The District Collector,
Vellore District.
- 2.The Revenue Divisional Officer,
Vellore District.
- 3.The Tahsildar,
Arakonam Taluk Office,
Arakkonam.
- 4.The Village Administrative Officer,
Jahirthandalam,
Melvenpakkam,
Arakkonam Taluk.

+1cc to Mr.S.JAGANATHAN, Advocate, S.R.No. 54677
+1cc to the Government Pleader, S.R.No. 55372

सत्यमेव जयते WP 5370 of 2018

SV(CO)
TR(29/08/2018)

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