

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.13762 of 2018 and
W.M.P.No.16233 of 2018

N.Manickam

... Petitioner

Vs.

1.Tahsildar,
Tahsildar Office,
Cheyyar Taluk, Kancheepuram District.

2.R.Rajendra Babu

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified Mandamus to quash the impugned Patta No.534 in the name of the 2nd respondent Rajendra Babu and consequently, direct the 1st respondent to delete the name of Rajendra Babu, the 2nd respondent in Patta No.534 and restore back the names of N.Manickam, now aged 44 years; N.Thulasi, now aged 60 years; N.Rajendran now aged 43 years and N.Sulochana in Patta No.534 in respect of land of 70 ares in Survey No.162/2B at Mudaliyar Kuppam Village, Kancheepuram District.

For Petitioner : Mr.C.Hanumantha Rao

For Respondent : Mr.V.Jayaprakash Narayanan,
Special Government Pleader (R1)

सत्यमेव जयते
O R D E R

This Writ Petition has been filed challenging the impugned patta No.534 granted in the name of the 2nd respondent to quash the same and consequently, direct the 1st respondent to delete the name of Rajendra Babu, the 2nd respondent in Patta No.534 and restore back the names of N.Manickam, N.Thulasi, N.Rajendran and N.Sulochana in Patta No.534 in respect of land of 70 ares in Survey No.162/2B at Mudaliyar Kuppam Village, Kancheepuram District.

2.The learned counsel appearing for the petitioner submitted that the petitioner is one of the sons of Natesa Gounder and is a joint owner of the land measuring an extent of

1 acre 99 cents in Survey No.172/3, Mudaliyar Kuppm Village, Kancheepuram District. Under a registered Sale Deed dated 07.12.1949, Late Natesa Gounder had purchased an extent of 3 acres 73 cents in Old Survey No.173/2, New Survey No.162/2 at Mudaliyar Kuppm Village and was in joint possession with his wife Ellammal. The said property was also considered as joint family property.

3.The only son of Natesa Gounder and Ellammal had died intestate on 24.12.1953 leaving behind his parents. Later, the said Natesa Gounder married Rajammal and through her, he had five children viz., N.Manickam, N.Thulasi, N.Sundaram, N.Rajendran and N.Sulochana. After the death of Natesa Gounder on 26.07.1971 and Ellammal, 1st wife of Natesa Gounder on 04.10.1970, the property of 3 acres 73 cents in Survey No.173/2 was succeeded by Rajammal, the 2nd wife of Natesa Gounder and the five children. Under a Sale Deed dated 15.10.1975, Rajammal and her children, sold an extent of 1 acre 74 cents in Survey No.162/2 out of the total extent of 3 acres 73 cents and the balance land measuring an extent of 1 acre 99 cents in Survey No.162/B are with the petitioner, his brothers and sisters.

4.When the balance land measuring 1 acre 99 cents has not been alienated by the petitioner or his family members, Patta No.534 has been issued in the name of one Rajendra Babu, the 2nd respondent. After coming to know of the same, a complaint has been given with regard to the transfer/issue of patta in the name of Rajendra Babu. The District Revenue Officer, Kancheepuram has also directed the Tahsildar, Cheyyar vide his proceedings dated 14.03.2018 to conduct enquiry on the basis of the representation given by the petitioner and to submit a report. But till date, no report has been filed.

5.The learned Special Government Pleader appearing for the 1st respondent submitted that the Writ Petition has been filed in a hurried manner even without waiting for the report to be submitted by the Tahsildar, who has to conduct enquiry, pursuant to the direction of the District Revenue Officer, Kancheepuram. Therefore, some reasonable time may be granted to the 1st respondent viz., the Tahsildar, Cheyyar to conduct enquiry and to submit the report.

6.The proceedings dated 14.03.2018 of the District Revenue Officer clearly shows that the petitioner's grievance is being attended and therefore, the Tahsildar, who has already been directed to conduct enquiry on the grievance of the petitioner, is directed to conduct further enquiry as to whether Patta No.534 has been wrongly issued in the name of Rajendra Babu.

Such exercise shall be completed by the Tahsildar, Cheyyar, as expeditiously as possible and submit a report to the District Revenue Officer within a period of four weeks, after affording opportunity to the petitioner, Rajendra Babu and other necessary parties and on receipt of the report, the District Revenue Officer, Kancheepuram shall consider the same within a period of two weeks thereafter.

7. With these directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Tahsildar Office,
Cheyyar Taluk,
Kancheepuram District.

2. The District Revenue Officer,
Kancheepuram District.

+1cc to Mr. C. Hanumantha Rao, Advocate SR.No. 35971

+1cc to Government Pleader SR.No. 36265

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GN(19/06/2018)

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