

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.16513 of 2018
and
W.M.P.No.19701 of 2018

K.C.Somasundaram

... Petitioner

Vs

1.The District Collector,
Collectorate Office at Tambaram,
Kanchipuram District.

2.Revenue Divisional Officer,
Tambaram, Kanchipuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to pass final order in the appeal in Na.Ka.No.3400/2015A pending on the file of the Revenue Divisional Officer, Tambaram, Kanchipuram District, the 2nd respondent herein with regard to S.Nos.438, 412/1 and 427/2A of Perungalathur Village, Tambaram Taluk, Kanchipuram District.

For Petitioner : Ms.V.V.Sathya

For Respondents: Mr.D.Surya Narayanan,
Addl. Govt. Pleader

सत्यमेव जयते
O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent to pass final order in the appeal in Na.Ka.No.3400/2015A pending on the file of the Revenue Divisional Officer, Tambaram, Kanchipuram District, the 2nd respondent herein with regard to S.Nos.438, 412/1 and 427/2A of Perungalathur Village, Tambaram Taluk, Kanchipuram District.

2. Learned Counsel for the petitioner submitted that the properties situated at Perungalathur Village, Tambaram Taluk, Kanchipuram District in Survey Nos.438 measuring 1.95 acres, 412/1 measuring 0.19 acre and 427/2A measuring 0.17 acres, in total measuring to an extent of 2.34 acres belonged to the

mother of the petitioner. She acquired the same through a Registered Partition Deed dated 07.01.1989 vide Document No.4908/1989. Since she died intestate on 10.3.1994, the petitioner became the absolute owner of the said properties. The learned Counsel further submitted that there seems to be power executed by the petitioner's mother to one V.Mahendran relating to Survey Nos.412/1 and 427/2A, who in turn, sold the properties to one Dillibabu and Narayanasamy vide Document Nos.6183 and 6184/2007 and on coming to know about the same, the petitioner has lodged a complaint before the Inspector General of Registration. Based on the same, the Inspector General of Registration directed the District Registrar South to conduct an enquiry and to pass orders, who in turn, an enquiry, cancelled those documents by passing a detailed order on 20.02.2012. Thereafter, the petitioner made a complaint to the Tahsildar, Tambaram, to cancel those patta and to issue fresh patta to him, which was rejected. Therefore, the petitioner filed an appeal before the 2nd respondent. The same is still pending. Therefore, a direction be issued.

3. Mr.D.Surya Narayanan, learned Additional Government Pleader who takes notice sought 6 weeks time to consider and dispose of the said appeal.

4. Recording his statement, the 2nd respondent, namely, the Revenue Divisional Officer, Tambaram, Kanchipuram District, is directed to dispose of the appeal filed by the petitioner on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order, after giving notice to the petitioner and the affected parties.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

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To

1.The District Collector,
Collectorate Office at Tambaram,
Kanchipuram District.

2.Revenue Divisional Officer,
Tambaram, Kanchipuram District.

+lcc to Mr.V.Venkataseshan, Advocate SR.No.43133
+lcc to Government Pleader SR.No.43605

W.P.No.16513 of 2018

GN(13/07/2018)



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