



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 26.11.2018
CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.17721 of 2018

Ponnathal

..Petitioner

Vs

1.The Director of Vigilance and Anti Corruption,
Office of the Director of Vigilance and Anti Corruption,
Chennai -16.

2.The Commissioner of Revenue Administration,
Chepauk, Chennai-5.

3.The District Revenue Officer,
Sivagangai, Sivagangai District.

4.The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to consider the representation submitted by the Petitioner on 20.7.2018 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

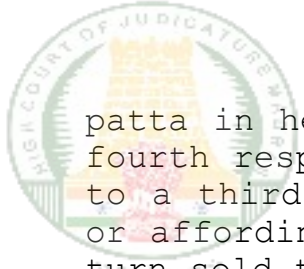
For Respondents : Mr.B.Bhavavathy,
Government Advocate

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the first respondent to consider the representation submitted by the Petitioner on 20.7.2018 in accordance with law within the time stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The grievance of the Petitioner is that on 30.10.1971, the Government of Tamil Nadu has issued an assignment patta to her father for the land in Narkani Survey No. 146/1 and after the demise of her father, the Petitioner is in possession and enjoyment of the above said land. Hence the petitioner changed the



patta in her name in UDR, dated 21.8.1985. In the year 1999, the fourth respondent has transferred the patta of the above said land to a third party by name Mari, without even conducting any enquiry or affording an opportunity to the Petitioner. The said Mari has in turn sold the said property to one Muthuramu on 14.09.2007 and the said Muthuramu came into possession of the said property in the year 2017 and at that point of time only, the Petitioner came to know about the fraudulent transactions and transfer of patta in the name of Mari in the year 1999 itself. Hence the Petitioner has sent a representation to the respondents on 27.11.2017 to initiate action against the fourth respondent for fraudulent transfer of patta for the above said property from his name to the name of one Muthuramu. The Petitioner was in continuous possession of the above said land upto the year 2017 and hence she filed an application before the concerned revenue authorities and the first respondent has forwarded the same to the Commissioner of Revenue Administration, Chepauk, Chennai/the second respondent herein for initiating appropriate action against the fourth respondent in Petition No.10693/2017/REV/SG, dated 13.12.2017. The petitioner being a senior citizen, aged about 64 years is not in a position to walk without the support of other persons. Hence she sent another representation dated 20.7.2018 to the first respondent to forward the same to the respondent concerned/third respondent to take appropriate action, which is pending as on date without any further progress. Since no action has been taken so far on the representation of the Petitioner, the Petitioner left with no other alternative, has approached this Court for the relief stated supra.

4.The learned Government Advocate has produced a proceedings, dated 15.11.2018 passed after the filing of the Writ Petition which has been filed on 7.8.2018, wherein, in the reference column, there is a reference about the representation of the Petitioner dated 15.11.2018 and also the letter from the Government Pleader on 14.11.2018 and accordingly, the Petitioner has been called for an enquiry on 29.11.2018 along with certain documents at 3.00 p.m for enquiry regarding the above said land to enquire about the alleged mistake committed by the revenue authorities in transferring the patta and they have also directed the Petitioner to bring various documents, which has been listed out in the said enquiry notice.

5.On a perusal of the enquiry notice, dated 15.11.2018 in Na.Ka (Aa.3)7461/2018 by the Revenue Divisional Officer, Sivagangai, which is sent to the Petitioner, it would be appropriate for the Petitioner to appear for the enquiry on the said date and if the Petitioner wishes, she can very well present before the authorities concerned along with her counsel on record to enable her to defend her case in an appropriate manner. The Revenue Authorities are directed to consider the case of the Petitioner after affording an opportunity to the Petitioner and other interested parties, if any, and conclude the enquiry proceedings following the principles of natural justice and in accordance with law. The entire process should be completed on or before 21.12.2018.



6. With the above directions, the Writ Petition stands disposed of. No costs.

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/True Copy/

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar (CS-II)

To

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Chennai-5.
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Sivagangai District.
4. The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai District.

+1CC to the Special Government Pleader SR.No. 97074

W.P (MD) No.17721 of 2018
26.11.2018

VSN

ES/SKN/RSK/SAR 2/30.11.2018/3P/6C