



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 26.11.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD) No.23413 of 2018

WEB COPY

K.Asokan

...Petitioner

Vs

1.The Commissioner of Land Administration,
Chepauk, Chennai-5.

2.The District Collector,
Trichy, Trichy District.

3.The Revenue Divisional officer,
Trichy, Trichy District.

4.The Tahsildar,
Trichy East Taluk,
Trichy 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 respondents to consider the petitioner's representation dated 06.08.2018 in respect to the cancellation of patta within the time frame fixed by this Court.

For Petitioner : Mr.C.Prithviraj

For Respondents : Mr.S.Dhayalan

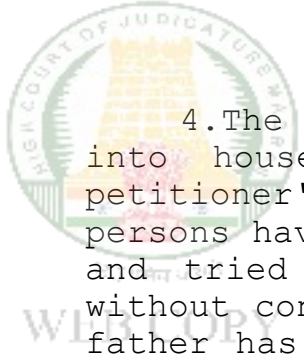
Government Advocate

ORDER

This writ petition has been filed, seeking writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 06.08.2018, to cancel the patta granted by the fourth respondent herein.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.The learned counsel for the petitioner submitted that the petitioner's father had purchased a house site in Survey No.153/1C118 at K.Sathanoor, Udayampatti Village, Trichy District, from Harihar Dwelling Private Limited, represented by one Latha by way of registered sale deed vide document Nos.1773 and 1774 of 2012 dated 29.03.2012. The house site property measures 4800 sq.ft was tried to occupy by one V.Sagayanathan Victor and Abdul Samathu stating that the property is belonging to them and patta has also been changed in the name of Abdul Samathu. The petitioner's father is the patta holder.



4.The said survey no.153/1C118 measures one acre, was divided into house plots and sold to various persons including the petitioner's father. In order to grab the property, the said two persons have been obtained patta for the said property clandestinely and tried to trespass into the said property. The respondent without conducting any enquiry has issued a patta. The petitioner's father has sent a detailed representation to the second, third and fourth respondents herein on 12.03.2016 and 01.06.2016. The third respondent by his proceedings in O.Mu.(A7)/855 of 2016 dated 20.06.2016 has directed the petitioner's father to approach the fourth respondent. When the petitioner's father contacted the fourth respondent, he directed the petitioner's father to furnish certain documents. The requisite documents were also sent by the petitioner's father on 12.09.2016 and representation was also made on 02.09.2016 in person. Till date, no action has been taken on the said representation. The fourth respondent made the petitioner's father to run from pillar to post. Again on 22.04.2018 and 07.05.2018, representations were made to consider the grievance of the petitioner's father.

5.Since, the petitioner's father was aged above 80 years, he transferred the said property to the petitioner's minor sons namely A.Siddhardh and A.Vijaya Rajavarman, vide settlement deed dated 25.08.2016. In this circumstances, on 03.06.2018, the petitioner's father died. On behalf of his sons, the petitioner has come before this Court seeking to consider his representation dated 06.08.2018 to cancel the patta stands in the name of V.Sagayanathan Victor and Abdul Samathu.

6.On perusal of the documents filed by the petitioner herein, it is found that the third respondent, the Revenue Divisional Officer, on 20.06.2016 has directed the fourth respondent herein the Tahsildar, Trichy (East), to conduct an enquiry and sent a report to him. Till date, the petitioner was not called for any enquiry and he is not aware that any report had been sent by the fourth respondent.

7.From the above facts, it is made clear that no action has been taken by the authorities on the representations given by the petitioner and his father in line. Hence, this Court is inclined to direct the respondents to pass orders on the representations made on 12.03.2016 and 01.06.2016 by the petitioner's father, after getting report from the Tahsildar, Trichy (East), the fourth respondent herein, within a period of 12 weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1.The Commissioner of Land Administration,
Chepauk, Chennai-5.

2.The District Collector,
Trichy, Trichy District.

3.The Revenue Divisional officer,
Trichy, Trichy District.

4.The Tahsildar,
Trichy East Taluk,
Trichy District.

+1CC to Mr.C.Prithviraj, Advocate, SR.No.97011

+1CC to the Special Government Pleader SR.No. 97042

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PNN

ES/SKN/RSK/SAR 2/13.12.2018/3P/7C