

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.9295 of 2019

N.R.Swaminathan

... Petitioner

Vs

1.The District Collector,
Kanchipuram District.

2.The District Revenue Officer,
Kanchipuram District.

3.The Revenue Divisional Officer,
Chengalpattu.

4.The Tahsildar,
Thirukalukundram Taluk,
Kanchipuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to dispose the pending proceeding in Na.Ka.No.17782/2018/N4, dated 20.09.2018, to rectify the error committed and made correction in the revenue records of petitioner's land situated at Kanchipuram District, Thirukalukundram Taluk, Mahabalipuram Village, Baimas No.1018, Survey No.187/1, to an extent of 1.05.0 hectares, and issue patta in favour of the petitioner N.R.Swaminathan, S/o. N.M.Rajagopal, and N.K.Pattammal, W/o.N.R.Kanniappan, and N.R.Kumarasami, S/o.N.M.Rajagopal, within a period fixed by this Court.

For Petitioner : Mr.M.Muthukumaran

For Respondents: Mr.S.N.Parthasarathy,
Government Advocate

O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the respondents. By consent of the parties, this main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus directing the 2nd respondent to dispose of the pending proceedings dated 20.09.2018, to rectify the error committed and made correction in the revenue records of petitioner's land comprised in Baimas No.1018, Survey No.187/1, situated at Kanchipuram District, Thirukalukundram Taluk, Mahabalipuram Village measuring to an extent of 1.05.0 hectares and issue patta in favour of the petitioner N.R.Swaminathan, S/o. N.M.Rajagopal, and N.K.Pattammal, W/o.N.R.Kanniappan, and N.R.Kumarasami, S/o.N.M.Rajagopal, within a period fixed by this Court.

3. The case of the petitioner is as follows:

The petitioner's forefathers obtained the land situated at Kanchipuram District Thirukalukundarm Taluk, Mahabalipuram Vvillage, Baimas No.1018, Survey No.187/1 to an extent of 1.05.0 Hectares from the then British Government, which had gifted 63 villages including the subject property as a Zameen property in the year 1803. The father of the petitioner Mr.Rajagopal Mudaliar had rented the above said property to one Mr.Balaram Naicker on 04.06.1964 for fetching of sand and crushing of stones in the said property after obtaining permission from Thirukalukundram Panchayat Union. The petitioner's father also obtained possession certificate in respect of the said property from the 4th respondent on 05.04.1988. Since the petitioner family had settled in Chennai and his father was also affected by paralysis attack, they are unable to maintain the property. They found that their punja patta land was wrongly classified as "Theervai Yerpadaadha Tharisu" Kallanguthu by the Revenue officials. Hence, the petitioner sent a representation on 26.12.2017 to the 1st respondent to reclassify the land as punja land and issue patta in their favour. The 1st respondent forwarded the same to the 4th respondent. The 4th respondent sent a report to the 2nd respondent dated 20.09.2018 and the same is pending before the 2nd respondent till date. Hence, this writ petition seeking the relief as stated supra.

4. Heard both sides.

5. The grievance of the petitioner before this Court is that the said proceedings, pending before the 2nd respondent, arising out of patta, has not been disposed of so far.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the second respondent to consider and decide the same. Accordingly, this writ petition is disposed of, only by directing the second respondent to dispose of the proceedings dated 20.09.2018 and pass orders on the same on merits and in accordance with law, after hearing all the parties concerned. Such exercise shall be done by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

gsi/vsi

To

1.The District Collector,
Kanchipuram District.

2.The District Revenue Officer,
Kanchipuram District.

3.The Revenue Divisional Officer,
Chengalpattu.

4.The Tahsildar,
Thirukalukundram Taluk,
Kanchipuram District.

+1 CC to Mr.M.Muthukumaran, Advocate sr 29627.

+1 CC to Govt. Pleader sr 30491.

W.P.No.9295 of 2019

RK(CO)
SP(01/04/2019)

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