

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.26788 of 2016

D.Dheenadayalan

...Petitioner

Vs.

1. The Commissioner,
Land Reforms, Ezhilagam,
Chennai - 600 005.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
4. Mrs. Shankari *
Kaakalur Village,
Thiruvallur Taluk & District.

(* R4 is impleaded as per order dated 08.09.2016 in
W.MP.No.25756 of 2016 in W.P.No.26788 of 2016)

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus to
direct the respondents to dispose of the petitioner's
representation dated 16.11.2015 to rectify the defects in
classification of Survey No.175/8, Kaakalur Village, Thiruvallur
Taluk & District.

For Petitioner : Mr.K.Balaji

For Respondents 1 to 3 : Mr.N.Inbanathan
Additional Government Pleader

For Respondent-4 : Not ready in Notice.

O R D E R

The petitioner has filed this Writ Petition seeking for a direction to the respondents to dispose of his representation dated 16.11.2015 to rectify the defects in classification of Survey No.175/8, Kaakalur Village, Thiruvallur Taluk and District.

2. It is the case of the petitioner that his grandfather, Arumuga Naicker and his wife Thaaiyarammal had purchased the property comprised in Punjai Survey No.175/8, measuring an extent of 0.77 cents and some other properties, by way of a registered Sale Deed dated 09.03.1941 as Document No.504/1941 at SRO, Thiruvallur. After their demise, the petitioner's father Thanaraj had succeeded the said property, who also died intestate. Since then, the petitioner is in possession of the property for the past 75 years. During the year 2012, the family members of the petitioner decided to partition the said property. But to shock and surprise, they came to know that the said property in Survey No.175/8 was wrongly classified as "Punjai Tharisu" during the Fasli 1404 by the Revenue Authorities. Subsequently, the Revenue Authorities has assigned a patta for small extent in the name of one Shankari/the fourth respondent herein. Hence, the petitioner has submitted a representation dated 16.11.2015 to rectify the defects in classification of Survey No. No.175/8, Kaakalur Village, Thiruvallur Taluk and District, but the same is yet to be disposed of by the respondents 1 to 3. Hence, the petition is before this Court.

3. The respondents have filed a counter affidavit stating that according to 1960 Settlement Register which was prepared on the basis of settlement operation conducted after the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, the disputed land has been classified as "Anadeenam" and subsequently, after the completion of updating registry Scheme (UDR) "A" Register during 1984 also, it has been classified as "Anadeenam", since no claims were received for the grant of Ryotwari Patta for the said land from the rightful owner.

4. Heard Mr.K.Balaji, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents 1 to 3.

5. It is stated by the petitioner that patta was given in favour of the fourth respondent with respect to a portion of the property in question.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without

expressing any opinion on the merits of the representation, directs the respondents to consider the petitioner's representation dated 16.11.2015 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, the fourth respondent and the persons interested in this regard and also to afford an opportunity of personal hearing to the parties, after scrutinizing the relevant documents submitted by the parties to show their right, title and possession, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. No costs.

srn

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Land Reforms, Ezhilagam,
Chennai - 600 005.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

+1cc to Mr.K.Balaji, Advocate, S.R.No.11736

+1cc to the Government Pleader, S.R.No.12293

W.P.No.26788 of 2016

Kak(26/03/2019)