

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2019

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THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14198 of 2018
and
W.M.P.No.16760 of 2018

M.Ekambaram

.. Petitioner

Vs.

1.The District Collector,
Vellore District.

2.The Revenue Divisional Officer,
Vellore District.

3.The Tahsildar,
Anaikattu,
Vellore District.

4.The Sub-Registrar,
Pallikonda,
Vellore District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining in S.No.450/3A, 451/2 and 452/2 to the letter issued by the 3rd respondent in letter No.Na.Ka.P2/-/2016 dated 13.06.2016 order accorded by 3rd respondent and to quash the same and to direct the 4th respondent to register a sale deed in S.No.450/3A, 451/2 and 452/2 at measuring about 97.5 cents having house sites at Iraivan Kadu, Anaikattu Taluk, Vellore District if not already registered and to restore the original land value in the guideline registered by considering representation dated 03.06.2016 and to direct the 1st and 2nd respondents to conduct enquiry on the petitioner representation dated 14.06.2017.

For Petitioner : Mr.B.N.Chandrasekar

For RR1 to 3 : Mr.N.Inbanathan
Additional Government Pleader

For R4

: Mr.T.M.Pappiah
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the letter dated 13.06.2016 in Na.Ka.P2/-/2016 issued by the third respondent and seeking a direction to the fourth respondent to register a sale deed in S.Nos.450/3A, 451/2 and 452/2 admeasuring about 97.5 cents having house sites situated at Iraivan Kadu, Anaikattu Taluk, Vellore District and to restore the original land value in the guideline registered by considering the petitioner's representation dated 03.06.2016 and to direct the first and second respondents to conduct enquiry.

2. Heard the learned counsel appearing on both sides.

3. According to the petitioner, the property has been purchased by him from one Sakunthala on 13.03.2013. The said land was patta land of the vendor of the petitioner. While so, the Tahsildar, who is the third respondent, issued a communication to the fourth respondent on 13.06.2016 stating that the certain lands in certain survey numbers in Kandanerri Village, including the property of the petitioner, belonging to the Government and they are Panchami lands. Hence, the third respondent requested the fourth respondent not to register any lands in those survey numbers.

4. According to the petitioner, the said letter was communicated only in the year 2016, whereas, he has purchased the land as early as in the year 2013 and on the date of purchase, there was no such classification of the property as Panchami lands.

5. Be that as it may. Whether the lands are Panchami or they are patta lands have to be decided only by the respondents 1 and 2 after a detailed enquiry. When there was no embargo on the petitioner to purchase the property in 2013, it is for the respondents 1 to 3 to say how the same was classified subsequently as Panchami lands. Therefore, it would suffice, if the respondents 1 and 2 would continue the enquiry on the representation made by the petitioner dated 04.07.2017, after issuing notice to the petitioner and the persons interested in this regard and affording them due opportunity of personal hearing and pass appropriate orders, on merits and in accordance with law. The said exercise should be completed within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Vellore District.

2.The Revenue Divisional Officer,
Vellore District.

3.The Tahsildar,
Anaikattu,
Vellore District.

4.The Sub-Registrar,
Pallikonda,
Vellore District.

+1 cc to Mr.B.N.Chandrasekar, Advocate SR.No.1752

+1 cc to The Government Pleader, SR.No.2771

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CSL/21.01.2019

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