



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.06.2019**

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THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P.(MD)No.13727 of 2019

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...Petitioner

-Vs-

1. The District Collector,
O/o.District Collectorate,
Kanyakumari District.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Padmanabapuram,
Kanyakumari District.
3. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
4. The Special Thasildar (Aadi Dravida Welfare),
Padmanabapuram,
Kanyakumari District.
5. Chellan
6. C.Yesunesan
7. Barcillisi

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent No.2 to 4 to conduct the enquiry based on the report in O.Mu.A2/9687/2015 dated 29.07.2016 filed by respondent No.3 and take necessary action against the respondents No.5 to 7 to recover the property situated in R.S.No.245/39 extent about 2 3/4 cents situated at Maruthankode Village Vilavankode Taluk Kanyakumari District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Rajarajan, G.A.

For RR1 to 4

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondent No.2 to 4 to conduct the enquiry based on the report in O.Mu.A2/9687/2015 dated 29.07.2016 filed by respondent No.3 and take necessary action against the respondents No.5 to 7 to recover the property situated in R.S.No.245/39 extent



about 2 3/4 cents situated at Maruthankode Village Vilavankode Taluk Kanyakumari District.

2. Heard Mr.T.Lajapathi Roy, the learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents. 1 to 4. Since no adverse order is going to be passed against the respondent 5 to 7, notice to them is hereby dispensed with.

3.The subject land i.e the land to the extent of 2.23.5 Hectares at S.No.245/39 in Maruthankode village, Vilavankode Taluk was initially assigned to the grandmother of the petitioner, who is having three children viz., Madhavi, Appukuttan and Chellan, out of which, Madhavi and Appukuttan were residing there. Whereas, another one Chellan seems to have sold the property to the extent of 2-3/4 cents of the subject land to some third parties and this sale clandestinely made by the Chellan ought not to have been made as the said sale has been made to some third parties, who are not belong to Adi Dravda community and therefore, such sale is void. Therefore, in order to have an enquiry to that and cancel the sale, the petitioner, who is the son of one of the legal heir of the petitioner's grandmother i.e. Madhavi, made a request and gave representation to the 2nd respondent Revenue Divisional Officer in the year 2017 and pursuant to which, enquiry was conducted for very many time by the Revenue Divisional Officer.

4.In this context, the learned Counsel appearing for the petitioner has also brought to the notice of this Court that, in fact, the Tashildar concerned was directed to conduct an enquiry and file a report. Accordingly, on 29.07.2016, the Tahsildar has filed a report stating that Madhavi and Appukuttan are residing in the subject land, whereas, Chellan bequeathed 2-3/4 cents of land to some third parties viz., Yesunesan and Barcilisi, who are the respondents 6 and 7 herein. Despite the report having been filed by the Tahsildar and despite an enquiry had been conducted for several days, the 2nd respondent Revenue Divisional Officer yet to pass the final order. Therefore, only under these circumstances, the petitioner is before this Court with the aforesaid prayer.

5.I have heard the learned Government Advocate appearing for the respondents 1 to 4.

6.Taking into account the factual matrix of the case as projected above, this Court is inclined to dispose of this writ petition with the following direction:

The 2nd respondent, Revenue Divisional Officer is directed to complete the enquiry pending before him in respect of the petitioner's grievance over the subject land and pass orders on merits and in accordance with law,



after giving opportunity of being heard to both the petitioner as well as the private respondents i.e. R5 to R7 by putting them in proper notice and such endeavor shall be completed by the 2nd respondent, within a period of eight weeks from the date of receipt of a copy of this order.

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The District Collector,
O/o. District Collectorate,
Kanyakumari District.
 2. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Padmanabapuram,
Kanyakumari District.
 3. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
 4. The Special Thasildar (Aadi Dravida Welfare),
Padmanabapuram,
Kanyakumari District.
- + 1 CC to The Special Government Pleader SR.No.70049
+ 1 CC TO Mr.T.Lajapathi Roy, ADVOCATE IN SR No.70015

Order made in
W.P. (MD) No.13727 of 2019

Dated: **19.06.2019**

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