

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 16035 of 2012

1. L.Indirani
2. R.Dhanalakshmi
3. P.R.Venugopalan Reddiar
4. L.Usharani
5. R.Gunasekaran
6. P.Renuga

... Petitioners

Vs.

1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Revenue Divisional Officer
Tambaram
Kancheepuram District.
3. The Tahsildar
Alandur, Kancheepuram District.
4. S.P.Velayutham
5. V.Amar
6. The Commissioner
Alandur Municipality
Alandur
Chennai - 600 16.

सत्यमेव जयते... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records pertaining to the entry in the Town Survey Field Register of the 6th respondent under Doc.No.2881/2008 and to quash the same and direct the 6th respondent to enter the names of the petitioner in the Town Survey Field Register of 6th respondent and direct the 3rd respondent to issue the patta in the name of the petitioners for the lands bearing old s.no.19/2 to 8 and 21/3 to 8 in Town Survey Field No.44 to an extent of 1.4720.0 sq. mtr. at Alandur, Kancheepuram District.

For Petitioners : Mr.M.V.Krishnan

For Respondents : Mrs.A.B.Reehana Begum
Government Advocate (For R1 to R3)
Mr. P.Suthakar (For R4 & R5)

O R D E R

Heard Mr.M.V.Krishnan, learned counsel for the petitioners, Mrs.A.B.Reehana Begum, learned government advocate for respondents 1 to 3 and Mr. P.Suthakar, learned counsel for respondents 4 and 5.

2. The petitioners seek for issuance of direction upon respondents 2 and 3 to implement the proceedings in Na.Ka.No.4081/2002/D dated 07.06.2002 by including the names of the petitioners, the legal heirs of late Sri.Ranganatha Reddiar in the revenue records and consequently, delete the name of respondents 4 and 5, which according to the petitioners has been illegally included. The second respondent in no uncertain terms in the order dated 07.06.2012 has held that the deletion of the names of the legal heirs of late Sri.Ranganatha Reddiar is incorrect and the earlier order was set aside and the Petitioners names were directed to be included. The sixth respondent municipality by communication dated 25.06.2002 has informed the second respondent that the names of the eight persons including the names of the petitioners have been restored in the patta register as it stood earlier. According to the petitioner though both the orders passed by the second and sixth respondents are fully in favour of the petitioners, till date necessary entries have not been made and according to the petitioner, the illegal entry in favour of the fourth respondent still continues. Setting out all these facts the petitioners have submitted a representation to the second respondent on 26.10.2010, which has been sent by the registered post and received by the office of the second respondent as could be seen from the acknowledgment card. Therefore, it is submitted that the orders passed by the second and sixth respondents should be implemented and the names of the petitioners should be included in the patta and the name of the fourth and fifth respondents should be deleted.

3. Considering the fact that the representation given by the petitioners dated 26.10.2010 is still pending consideration by the second respondent, this court deems it appropriate to direct the second respondent to conduct a full fledged enquiry and consider the petitioners representation dated 26.10.2010 and pass orders on merits and in accordance with law. In order to comply with such direction, the petitioners are directed to give

fresh representation along with the necessary documents and also a copy of this order to the second respondent and on receipt of the same, the second respondent shall consider and pass orders on merits and in accordance with law.

4. In the result, this writ petition stands disposed of by directing the Petitioners to give fresh representation to the second respondent, within 15 days from the date of receipt of a copy of this order enclosing all necessary documents, which they proposed to rely upon and also a copy of this order and on receipt of the same, the second respondent is directed to issue notice to the petitioners and respondents 4 and 5 and afford an opportunity of personal hearing and after thorough enquiry, pass a reasoned order on merits and in accordance with law, within three months from the date on which the representation is given. No costs.

Sd/-
Assistant Registrar (CO MDU)

//True copy//

Sub Assistant Registrar

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To

1. The District Collector
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4. The Commissioner
Alandur Municipality
Alandur
Chennai - 600 16.

+1cc to Mr.M.V.Krishnan, Advocate SR.No.18124

+1cc to Government Pleader SR.No.18723

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CNR (CO)
GMY (22/05/2020)