

In the High Court of Judicature at Madras

Dated : 17.2.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.7530 of 2013

M.Janakiraman

...Petitioner

Vs

1.The Government of Tamil Nadu, rep.
By its Secretary to Government,
Fort.St.George, Chennai-9.

2.The Assistant Commissioner, Land
Ceiling, Villupuram District.

3.The Revenue Divisional Officer,
Kancheepuram.

(R3 was impleaded as per order of court dated
18.11.2019 in WMP.No.32396 of 2019 by TRJ

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus forbearing the
respondents, their men, servants, subordinates or agents or any
person acting on their behalf from disturbing the petitioner's
peaceful possession and enjoyment of the agricultural lands
comprised in survey No.107/1 measuring 0.40.5 Hectares in
Village No.209, Vattambakkam Village, Seruppanancherri Pirka,
Sriperumbudur Taluk, Kancheepuram District without following the
procedure established under law.

For Petitioner : Mr.K.Venkateswaran
For Respondents : Mr.M.D.Ilayaraja, GA

ORDER

I have heard Mr.K.Venkateswaran, learned counsel for the petitioner and Mr.M.D.Ilayarajan, learned Government Advocate appearing for the respondents.

2. The petitioner seeks to forbear the respondents or any person acting on their behalf from disturbing the petitioner's peaceful possession and enjoyment of the lands in question, which are stated to be agricultural lands assigned to the petitioner under the Land Holding and Development Scheme.

3. The petitioner claims that patta No.159 has been issued in his favour. The petitioner would further state that certain third parties attempted to disturb the petitioner's possession and enjoyment of the lands in question, which compelled the petitioner to approach the District Munsif Court, Tambaram by filing O.S.No.184 of 1998. Though notices were served on the defendants in the said suit, the defendants did not appear and therefore, they were set ex parte and the Trial Court, by judgment dated 21.12.2001, decreed the said suit as prayed for.

4. The petitioner alleges that the third parties, who were unsuccessful in their attempt in disturbing the petitioner's possession, lodged a false complaint before the second respondent, who issued a notice dated 11.1.2013 directing the petitioner to appear for an enquiry. The learned counsel for the petitioner submits that the petitioner appeared for the enquiry on 17.1.2013 and that during the course of enquiry, the second respondent is stated to have orally informed the petitioner that he is going to cancel the patta. Therefore, the petitioner is before this Court seeking a direction to forbear the respondents from disturbing his possession without following the procedure established under law.

5. The learned Government Advocate appearing for the respondents submits that the office of the second respondent has been dismantled, that as of now, the jurisdiction vests with the third respondent and that the third respondent will proceed in accordance with law.

6. In the light of the above, the writ petition is disposed of by directing the third respondent to issue notice to the petitioner clearly setting out as to what are the allegations against him and by giving 30 days' time to file a reply. The third respondent is directed to conduct an enquiry and pass a

reasoned order on merits and in accordance with law. It is needless to state that if the petitioner is in possession of the lands in question, then the same shall not be disturbed till orders are passed by the third respondent. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/
Sub Asst. Registrar

RS

To

1.The Secretary to Government of Tamil Nadu,
Fort.St.George, Chennai-9.

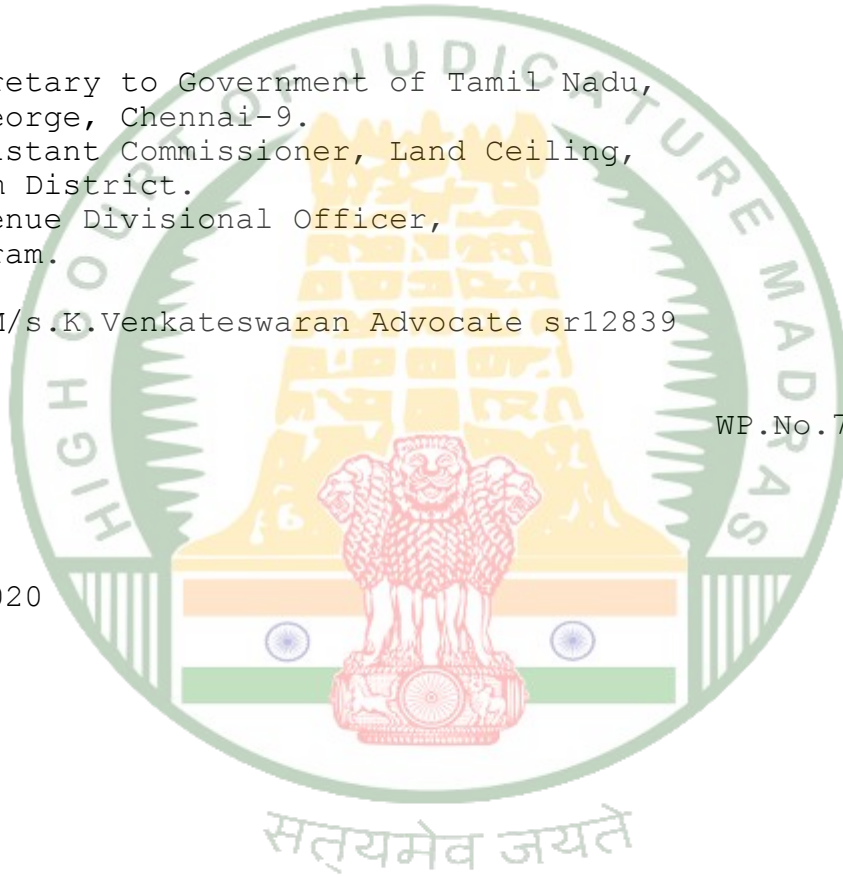
2.The Assistant Commissioner, Land Ceiling,
Villupuram District.

3.The Revenue Divisional Officer,
Kancheepuram.

+1 cc to M/s.K.Venkateswaran Advocate sr12839

WP.No.7530 of 2013

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