

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.12445 of 2020 and
W.M.P.No.15354 of 2020

R. Mohan Ranganathan

...Petitioner

v.

- 1.The Commissioner for Land Administration,
Chepauk, Chennai - 600 005.
- 2.The District Collector,
Salem District,
Salem - 636 001.
- 3.The Revenue Divisional Officer (RDO),
Attur, Salem District - 636 102.
- 4.The Tahsildar,
Attur Taluk,
Attur, Salem District - 636 102.
- 5.The Sub Registrar,
Attur Town,
Attur, Salem District - 636 102.
- 6.The Settlement Tahsildar,
Attur Town Taluk Office,
Attur, Salem District - 636 102.
- 7.The Assistant Settlement Officer - North,
Survey Settlement Office,
Chepauk, Chennai - 600 005.
- 8.The Special Officer,
Survey an Settlement Office,
3rd Floor, Chepauk,
Chennai - 600 005.
- 9.The Additional Superintendent of Police,
Head Quarters,
Vigilance and Anti Corruption,
No.293, MKN Road,
Alandur, Chennai - 600 0-16.

10. Nareshkumar

11. Geethesan

12. The District Revenue Officer,
Kallakurichi District,
Kallakurichi.

13. The Revenue Divisional Officer,
Kallakurichi Division,
Kallakurichi District

14. The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.
(R12 to R14 Impleaded as per order dated 15.10.2020
in W.M.P. No.18638/2020 in W.P.No12445/2020)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus by directing the 7th respondent herein to conduct an enquiry either summoning the 11th respondent in person or through video conferencing because of Covid-19 Pandemic, to cancel the Patta files issued in the name of the 11th respondent in respect of the lands comprised in Survey No.40 vide file No.4479; Survey Nos. 21, 22 & 42, vide file No.4481, Survey No.41, vide file No.4480; Survey No.48. vide file No.4487; Survey No.71, vide file No.4514 and Survey No.69 vide file No.4511 situated in Ward-D, Attur Town, Salem District issued by the 6th respondent herein based on circular of the 1st respondent vide Circular No.K3/27160/2008, dated 13.03.2018 and the representation of the petitioner dated 04.03.2020 after affording an opportunity to the 11th respondent and petitioner.

For Petitioner : Ms. K. Ashwin Devi

For Respondents : Ms. A. Madhumathi,
Special Government Pleader
- R1 to R4, R6 to R9 and R12 to R14

Mr. B. Kannan,
Government Advocate - R5
Not Ready in Notice - R10 & R11

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the 7th respondent to conduct an enquiry either summoning the 11th respondent in person or through video conferencing because of Covid-19 Pandemic, to cancel the Patta files issued in the name of the 11th respondent in respect of the lands comprised in Survey Nos.40 vide file No.4479; Survey Nos. 21, 22 & 42, vide file No.4481, Survey No.41, vide file No.4480; Survey No.48. vide file No.4487; Survey No.71, vide file No.4514 and Survey No.69 vide file No.4511 situated in Ward-D, Attur Town, Salem District issued by the 6th respondent herein based on circular of the 1st respondent vide Circular No.K3/27160/2008, dated 13.03.2018 and the representation of the petitioner dated 04.03.2020 after affording an opportunity to the 11th respondent and also the petitioner.

2. When the Writ Petition is taken up for hearing, Ms. K.Ashwin Devi, learned counsel appearing for the petitioner and Ms. A. Madhumathi, learned Special Government Pleader appearing for the official respondents submitted that the 7th respondent had conducted the enquiry after affording the opportunity of hearing to the petitioner as well as the 11th respondent and also video-graphed the enquiry proceedings, which has also been produced before this Court. The video-graph produced by the learned Special Government Pleader shall form part of the record. Further, the learned counsel on either side submitted that pursuant to the enquiry conducted by the 7th respondent, she passed an order on 07.10.2020. The operative portion of the order dated 07.10.2020 is extracted below:-

" ... 25. The Attur Settlement Tahsildar Proceedings in S.R.No.4460, 4514, 4462 dated 18.02.2019 & 4479, 4461, 4480, 4481, 4487, 4511 dated 08.09.2014 is hereby stands cancelled and also ordered that the lands S.No. 21, 22, 40, 41, 42, 48, 69 & 71 to a total extent 13747 sq. meter of Attur Village and Taluk, Salem District shall continue to be registered in the name of original owner, viz., Thiru. V.K. Elaiyalwar until the issue on title to the property is finally decided by Attur, Kallakurichi and Salem Courts. The Settlement Tahsildar, Attur, is hereby instructed to carry out the changes in Village and Taluk accounts and also in computer chitta of the Settlement records mentioned so as to report compliance to the Hon'ble High Court as per the direction given in W.P.No.12445 of 2020 dated 15.09.2020."

3. The learned counsel on either side also submitted that the 7th respondent had conducted the enquiry as per the Circular of the 1st respondent dated 13.03.2018.

4. Since the 7th respondent had conducted the enquiry as per the Circular dated 13.03.2018 of the 1st respondent and also passed an order on 07.10.2020, no further adjudication is required in this Writ Petition. Hence, the Writ Petition stands closed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

Rj

To

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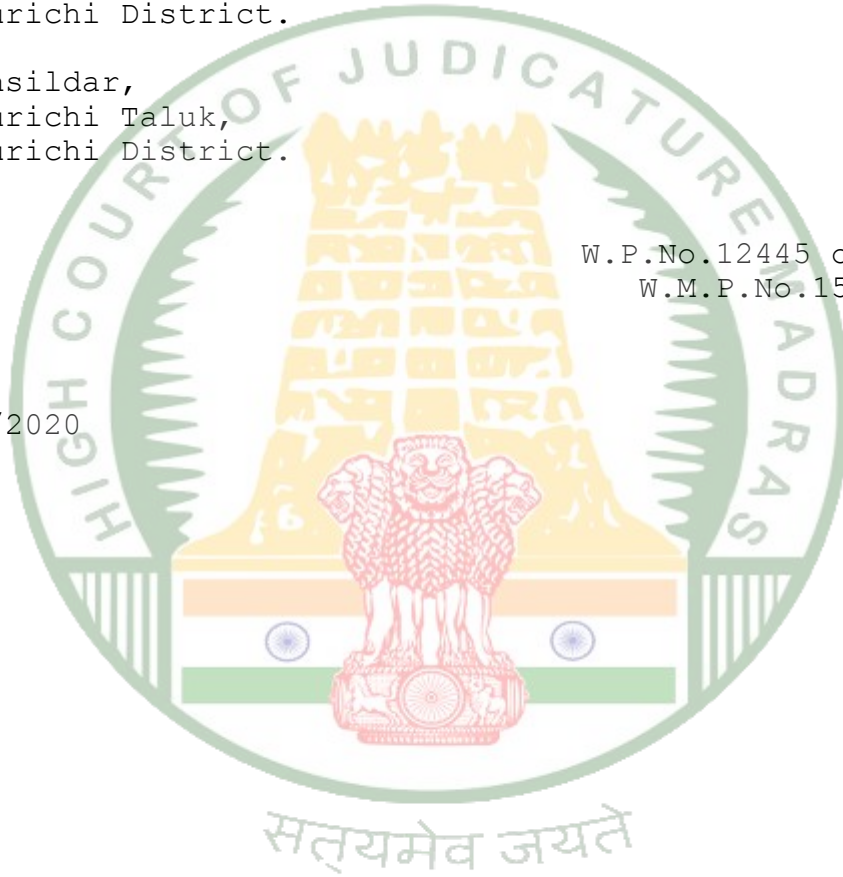
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Kallakurichi District.

W.P.No.12445 of 2020 and
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SR(CO)
KKV/22/10/2020



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