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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10383 of 2015

and

M.P.Nos.1, 2 of 2015

- 1.Logammal
- 2.P.Deenadayalan
- 3.A.Kumar
- 4.Shyamala
- 5.G.R.Kamalanab

... Petitioners

-vs-

1. The District Collector,
Kancheepuram Post & District.
2. The District Revenue Officer,
Kancheepuram.
3. The Revenue Divisional Officer,
Chengalpattu.
4. The Tahsildar,
Thirukkazhukundram Taluk,
Kancheepuram District.
5. Boopathy
6. G.Nirmala

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records of the second respondent culminating in his order Na.Ka.No.3179/2012/No.4, dated 13.09.2013 quash the same and to direct the respondents 1 to 4 to conduct a proper enquiry and to find out the real owners of the lands and to rectify the registers by deleting the name of both S.Boopathi and Mrs.G.Nirmala from the land register including Patta, Adangal and Chitta in respect of the lands of 18 cents in Survey No.122/1C and 13 cents in Survey No.124/15C both in the Village No.82, Ayapakkam, Thirukkazhukundram Taluk.



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For Petitioners : Mr.V.Raghupathi
For Respondents : Mr.Richardson Wilson
1 to 4 Government Advocate
R5, R6 - Not Ready in Notice

O R D E R

This Writ Petition is filed to issue a writ of Certiorarified Mandamus to call for the records of the second respondent culminating in his order Na.Ka.No.3179/2012/No.4, dated 13.09.2013 quash the same and to direct the respondents 1 to 4 to conduct a proper enquiry and to find out the real owners of the lands and to rectify the registers by deleting the name of both S.Boopathi and Mrs.G.Nirmala from the land register including Patta, Adangal and Chitta in respect of the lands of 18 cents in Survey No.122/1C and 13 cents in Survey No.124/15C both in the Village No.82, Ayapakkam, Thirukkazhukundram Taluk.

2. The case of the petitioner is that originally the subject land belonged to Lakshmana Raja and Sarangapani Raja. After partition between them by the partition deed dated 06.06.1934, the subject property was allotted to Sarangapani Raja. In turn, by the sale deed dated 17.11.1951, Mrs.Padmavathi Ammal purchased the said land, registered vide Document No.354 of 1951. Thereafter, she also obtained patta for fasili 1382. After her demise, her grand children partitioned the said property. Thereby, the property admeasuring 9 cents comprised in Survey No.122/1C was allotted to Parangusa Raja and to an extent of 9 cents comprised in Survey No.122/1C to Aswathama Raja and to an extent of 13 cents comprised in Survey No.124/15C was allotted to Late.Mrs.Mohanambal. The petitioners are the legal heirs of those persons.

3. While being so during UDR Survey in respect of the subject property by mistake, the Revenue Officials wrongly entered the name as Lakshmana Raja instead of Aswathama Raja and Mohanambal. Taking advantage of the said mistake, the legal heirs of the said Lakshmana Raja sold the lands to the fifth respondent by the sale deed dated 15.05.2007. The fifth respondent purchased the said property knowing very well that Lakshmana Raja's name was wrongly entered during UDR Survey. In turn, the fifth respondent conveyed the property in favour of the sixth respondent by the sale deed dated 05.07.2010.

4. Though the petitioners have objected to the authorities concerned with regard to the issuance of patta in



favour of the said fifth respondent herein, since, they did not consider the same, petitioners filed a Writ Petition before this Court in W.P.No.6145 of 2010. This Court, by an order dated 25.06.2010, passed the following order:

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"The fourth respondent is directed to dispose of the representation given by the petitioners dated 09.12.2009, within a period of eight weeks, from the date of receipt of a copy of this order. While disposing the representation, the fourth respondent is required to hear to the petitioners as well as other parties including the fifth respondent. As far as the allegation against the officials are concerned an enquiry is to be conducted by the 3rd respondent and if any material evidence is found during the enquiry against any of the officials, the 3rd respondent is required to inform the 1st respondent and the 1st respondent is directed to take suitable action against erring officials according to law. This writ petition is disposed of."

5. Though this Court specifically directed the authorities concerned they did not comply with the order and as such, the petitioners filed Contempt Petition before this Court in Cont.P.No.1773 of 2011. Thereafter, the second respondent conducted enquiry and rejected the request made by the petitioners for the reason that the petitioners failed to produce any link documents to claim title over the subject property.

6. The learned counsel for the petitioners would submit that, as per the report submitted by the fourth respondent herein, all the link documents were produced and all were not considered by the second respondent. He further submitted that the petitioners are ready and willing to appear before the second respondent once again and produce all the documents.

7. Accordingly, the impugned order is hereby set aside and the matter is remanded back to the second respondent for fresh consideration. The second respondent is directed to issue notice to all the parties concerned including the fifth and sixth respondents herein and after affording an opportunity of hearing to all the parties and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.



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8. With the above directions, this writ petition stands allowed. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rna

To

1. The District Collector,
Kancheepuram Post & District.
2. The District Revenue Officer,
Kancheepuram.
3. The Revenue Divisional Officer,
Chengalpattu.
4. The Tahsildar,
Thirukkazhukundram Taluk,
Kancheepuram District.

+1cc to Mr.V.Raghupathi , Advocate, S.R.No.41258

+1cc to the Government Pleader, S.R.No.41344

W.P.No.10383 of 2015
and
M.P.Nos.1, 2 of 2015

GPL(CO)
SU(09/09/2021)