



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

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

W.P.No.11340 of 2013

1.D.Sampath(died)
Rep. by his Power Agent
S.Jeevakumar

2.S.Jeevakumar
(Second petitioner substituted vide court
order dated 23.09.2021 in WMP.No.21398
of 2021 in WP.No.11340 of 2013)

... Petitioner

Vs

1.The Principal Secretary cum Commissioner,
Land Administration,
Chepauk, Chennai - 600 005.

2.The Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The Revenue Divisional Officer,
Cheyyar, Tiruvannamalai District.

4.K.Priya,
Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.

5.The Thasildhar,
Vandavasi Taluk,
Tiruvannamalai.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for all the records leading to passing of the order dated 12.06.2012 in Na.Ka.A2-5742-2012 by the third Respondent and quash the same and consequently direct the third respondent to conduct fresh enquiry as directed by this Court in its order dated 25.08.2011 in W.P.No.1760 of 2011.

For Petitioner : Mr.C.S.K.Sathish

For Respondents

R1to3&5 : Mr.M.R.Gokul Krishnan
Government Advocate

R4 : No Appearance



O R D E R

The writ petition has been filed to issue a Writ of Certiorarified Mandamus calling for all the records leading to passing of the order dated 12.06.2012 in Na.Ka.A2-5742-2012 by the third Respondent and quash the same and consequently direct the third respondent to conduct fresh enquiry as directed by this Court in its order dated 25.08.2011 in W.P.No.1760 of 2011.

2. The case of the petitioner is that the land comprised in Survey Nos.333/12, 333/13, 335/1 covered by old patta No.88 belongs to the wife of the petitioner herein. Since she died on 19.03.2004, he made efforts to bring her legal heirs in the patta. Thereafter, he came to understand that the patta stands in the name of other six persons. Therefore the petitioner made representation to the fifth respondent for removing the names of those persons. The fifth respondent did not pass any order and as such the petitioner was constrained to file writ petition before this court in W.P.No.17814 of 2008 and this Court directed the third respondent herein to consider the complaint made by the petitioner and pass orders. This Court also observed as follows:

"Accordingly, the writ petition is disposed of with a direction to the fifth respondent to dispose of the complaint made by the petitioner relating to the inclusion of the names of some third parties in the revenue records relating to the lands in question, after hearing the petitioner as well as the third parties, whose names were brought on the revenue records as stated above, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The fifth respondent is further directed to call for the relevant records from the second or fourth respondents to ascertain the truth to decide the matter. No costs."

3. While passing the said order, this Court also recorded that the petitioner has made an application dated 29.05.2009 under the Right to Information Act 2009 to the Principal Secretary cum Commissioner, Land Administration, Chennai requesting him to furnish the copies of 'A' Register, SLR and FMB related to the lands in question for the period from 1936 to 2006. However, the second and fifth respondents herein took diametrically opposite stand as to the availability of those records. Therefore, this Court specifically directed the third respondent herein to call for the relevant records from the



second and fifth respondents to ascertain the truth to decide the matter.

4. On perusal of the impugned order revealed that on request made by the petitioner and the direction issued by this Court, enquiry was conducted without calling for the records from the second respondent as well as the fifth respondent and also without hearing the counter parties if any, and passed the impugned order only on the basis of the records produced by the petitioner alone. The specific case of the petitioner is that without any title, the third persons' names were included into patta and as such the petitioner requested to delete the others' names from the patta. Therefore, the impugned order is not passed in consonance with the order issued by this Court.

5. In view of the above, the impugned order dated 12.06.2012 is set aside and the writ petition is allowed. The third respondent is directed to issue notice to the petitioner and the counter parties, if any, and call for the records from the second and fifth respondents herein and conduct detailed enquiry after giving opportunity of hearing to the parties concerned and pass orders on merits and in accordance with law within a period of sixteen weeks from the date of receipt of copy of this order. No order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

lok/ham

To

- 1.The Principal Secretary cum Commissioner,
Land Administration,
Chepauk,
Chennai - 600 005.
- 2.The Collector,
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Revenue Divisional Officer,
Cheyyar,
Tiruvannamalai District.



4.The Tahsildhar,
Vandavasi Taluk,
Tiruvannamalai.

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+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No. 49117

W.P.No.11340 of 2013

SSD (CO)
GN (01/11/2021)