



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.9614 of 2020

Mr.V.Jayabalan

.. Petitioner

Vs

1. The District Collector,  
Chennai District.
2. The Revenue Divisional Officer,  
North Chennai Division,  
Chennai.
3. The Tahsildar,  
Madhavaram Taluk,  
Chennai 600 066.

..Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 2<sup>nd</sup> respondent to conclude the enquiry based on the communication from the 1<sup>st</sup> respondent in Lr.No.A41433/2019 dated 01.04.2019 within stipulated time fixed by this Court.

For Petitioner : Mr.P. Manikannan  
For Respondents : Mr.G.Krishnaraja  
Govt. counsel

ORDER

The petitioner has come up with this Writ Petition seeking a Mandamus directing the 2<sup>nd</sup> respondent to conclude the enquiry based on the communication from the 1<sup>st</sup> respondent in Lr.No.A41433/2019 dated 01.04.2019 within a time frame to be stipulated by this Court.

2.According to the petitioner, he is the absolute owner of the property bearing Plot No.10 comprised in S.No.1050/3 part and S.No.1003 situate at No.7, T.V.K. 5<sup>th</sup> Cross Street, Madhavaram, Chennai 600 060, measuring an extent of 375 Sq. meter and ever since the date of purchase, he has been in possession and enjoyment of the same. While so, the petitioner's property measuring to an extent of 375 sq. meter was encroached by one Manoharan, who is employed as village Assistant under



the 3<sup>rd</sup> respondent and he claims the property belonging to the petitioner as if it was comprised under S.No.38A, which is not found in the revenue records. On enquiry, it was found that the said Manoharan fabricated the documents in respect of S.No.38A with the help of the revenue officials and on verification, it was found that there is no such S.No.38A in Madhavaram Village and no patta was issued in respect of the said survey number. In the mean while, the said Manoharan executed a settlement deed in favour of his son Sudharsanam, vide document No.874/2015. Feeling aggrieved, the petitioner made a representation to the 1<sup>st</sup> respondent on 11.3.2019 for taking necessary action against the officers who are involved in the fabrication of documents and to cancel patta obtained by said Manoharan in a fraudulent manner. The said representation was forwarded by the 1<sup>st</sup> respondent to 2<sup>nd</sup> respondent vide his letter No.A41433/2019 dated 01.04.2019 for conducting discreet enquiry and furnish a detailed report. Though the 2<sup>nd</sup> respondent has conducted enquiry on various dates, the same was not concluded till date. Therefore, this writ petition.

3.The learned counsel for the petitioner submitted that the discreet enquiry commenced in the year 2019, is still pending and hence, appropriate direction may be issued to the second respondent to conclude the enquiry and file a report to the first respondent.

4.Heard the learned Government counsel appearing for the respondents and perused the materials placed before this court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the 2<sup>nd</sup> respondent is directed to complete the discreet enquiry and submit a report to the first respondent for further action, within a period of three weeks from the date of receipt of a copy of this order. It is needless to state that on receipt of such report from the second respondent, the first respondent shall act upon, as per law.

6.With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-  
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

msr



To

1. The District Collector,  
Chennai District.
2. The Revenue Divisional Officer,  
North Chennai Division,  
Chennai.
3. The Tahsildar,  
Madhavaram Taluk,  
Chennai 600 066.

+1CC to Mr.P.Mani Kannan, Advocate, SR.No. 40874  
+1CC to The Government Pleader, SR.No. 41058

W.P.No.9614 of 2020

PVS(CO)  
B.VC (06/10/2021)