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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18072 of 2021

P.Jaiganesh

... Petitioner

-Vs-

The Tahsildhar,
Tambaram Taluk, Tambaram Taluk Office,
Tambaram, Chennai - 600 045.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to restore the earlier owner name in Tambaram Town Land Record (Patta) as "Dhandavamoorthy" in respect of land situated at Tambaram Town, Ward No.1, Block No.26, comprised in Town Survey T.S.No.5/4, ad-measuring an extent of 0.0550 sq.metre, by executing the order dated 17.03.2021, passed by Assistant Settlement Officer (North), Chennai - 600005, by disposing petitioner's representation dated 29.03.2021 within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Aranganathan
For Respondent : Mr.Yogesh Kannadasan
Government Advocate.

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondent to restore the earlier owner name in Tambaram Town Land Record (Patta) as "Dhandavamoorthy" in respect of land situated at Tambaram Town, Ward No.1, Block No.26, comprised in Town Survey T.S.No.5/4, ad-measuring an extent of 0.0550 sq.metre, by executing the order dated 17.03.2021, passed by Assistant Settlement Officer (North), Chennai - 600005, by disposing petitioner's representation, dated 29.03.2021 within the time limit that may be stipulated by this Hon'ble Court.



2. Heard Mr.R.Aranganathan, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondent.

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3. The case of the petitioner is that he owned land comprised in Old Survey No.189/9, situated at Ward No.1, Block No.26, Tambaram Town Survey No 5/4 to an extent of 0.0550 sq.metres situated at Selaiyur Village, Tambaram Taluk, Chengulpattu District. It was purchased by the petitioner from the legal representatives of one deceased Elumalai Naiker by the registered sale deed, dated 01.09.2006 registered vide Document No.7739 of 2006.

4. However, on fraud play by one S.Manjula and others in respect of the subject property, the Town Land Record (Patta) were mutated in her name. Therefore, the petitioner preferred an application before the respondent to identify the survey sub division number of his property. The petitioner also was constrained to file a writ petition before this Court in W.P.No.27610 of 2019 and this Court by an order, dated 25.09.2019, directed the Assistant Settlement Officer to conduct an enquiry and pass order. Accordingly, the Assistant Settlement Officer conducted due enquiry after giving opportunity of hearing to the counter party and passed order on 17.03.2021, thereby the name of the owner in respect of the subject property as mentioned in Town Survey Land Record and other revenue records restored the name of the petitioner's vendor.

5. Aggrieved by the same, the opposite party did not file any appeal even till today. That apart, the petitioner also filed a suit in O.S.No.134 of 2021 for declaration, possession and mandatory injunction in respect of the subject property on the file of the Additional District Judge, Chengulpattu. However, the respondent did not take any steps to restore the vendor's name in respect of the subject property as ordered by the Assistant Settlement Officer, (North) Chennai.

6. Mr.Yogesh Kannadasan, the learned counsel for the respondent produced a communication from the respondent to the Revenue Inspector (Land Survey), Tambaram, dated 06.11.2021, thereby directed to restore the Town Survey land records in the name of the petitioner's vendor, i.e Thandavamurthy Naicker.

7. Considering the above, the respondent is directed to comply the order passed by the Assistant Settlement Officer, North Chennai, within a period of four weeks from the date of receipt of a copy of this order.



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8. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Tahsildhar,
Tambaram Taluk, Tambaram Taluk Office,
Tambaram, Chennai - 600 045.

Copy to

1.The Assistant Settlement Officer North, Chennai

2.The Revenue Inspector
(Land Survey) Tambaram

+1 CC to The Government Pleader sr 57884.

W.P.No.18072 of 2021

PPA(CO)
SP(18/11/2021)