



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.17772 of 2021
and
W.M.P. No.18947 of 2021

K.K.C. Senthil Kumar,

... Petitioner

-Vs-

1. The District Collector,
Ariyalur, Ariyalur District.
2. The District Revenue Officer,
Ariyalur, Ariyalur District.
3. The Revenue Divisional Officer,
Udayarpalayam & Taluk,
Ariyalur District.
4. The Tahsildar,
Taluk Office,
Jayankondam,
Udayarpalayam & Taluk,
Ariyalur District.
5. Jayangondam Hand Loom Weavers
Co-operative Production and Sales Society,
Represented by its Special Officer,
R.554, Jayankondam Post,
Udayarpalayam Taluk,
Ariyalur District - 621802.
6. P.A. Ravi

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 2nd respondent/District Revenue Officer, Ariyalur to dispose the petitioner's revision petition dated 22.07.2020 pending in Na.Ka.Aa2/2607/20 on the file of the 2nd respondent, within time frame fixed by this Hon'ble High Court.



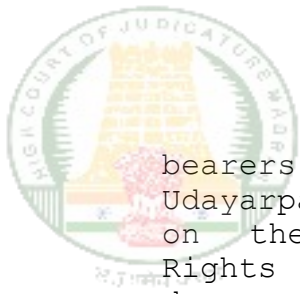
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For Petitioner : Mr. Usha Ramman
For Respondents 1 to 4 : Mr. Yogesh Kannadasan
(Government Advocate)
For Respondent-5 : Mr. K.M.D. Muhilan
(Government Advocate)
For Respondent-6 : No Appearance

O R D E R

The relief sought for in this writ petition is for a direction to the 2nd respondent/District Revenue Officer, Ariyalur to dispose the petitioner's revision petition dated 22.07.2020 pending in Na.Ka.Aa2/2607/20 on the file of the 2nd respondent, within time frame fixed by this Court.

2.The learned counsel for the petitioner would submit that the said Survey No.103/5 was the total extent of acres 3.45 cents in which acre 1.38 cents of land has been purchased by Mr. Chinnathambi vide registered Sale Deed on 18.02.1936. Mr. Packirisamy was the owner of the remaining property for an extent of 2.07 cents of lands. Both of the names was entered in "A" Register of Angarayanallore Revenue Village No.167 for the aforesaid Survey No. 103/5. On 10.09.1984, Mr. Mani who is the petitioner's vendor purchased the property in Survey No.103/5 for an extend of 0.56.30 Ars.(1.38 cents) from Balasubramanian and Ramachandran who are the legal heirs of Mr. Chinnathambi. After the purchase of the said property, Mr. Mani has applied for transfer of Patta in his favour before the Tahsildar, Jayankondam. On due verification and enquiry, after satisfying the sale deed and revenue records, the Revenue Department subdivided the Survey No.103/5 into Survey No.103/5A for an extend of 0.56.30 Ars.(acre 1.38 cents) and thereby a separate Patta was issued in Patta No.2620 in favour of Mr. Mani. After due verification of the documents only, the petitioner purchased the said property on 27.02.2013 through Registered Sale Deed from the Vendor, namely Mr. Mani. After purchasing the said property, the petitioner had applied an application before the Tahsildar, Jayankondam for Patta transfer from vendor's name to his name. However, the 6th respondent herein made an objection before the Revenue Department on 17.08.2018 against the petitioner's application dated 18.08.2017 for Patta transfer and he made a complaint dated 19.06.2018 before the State Human Rights Commission, Chennai with regard to patta transfer in the name of Petitioner's Vendor and sought for transfer of Patta from petitioner's vendor name to the 5th respondent's office



bearers and 6th respondent. In the meantime, the erstwhile RDO, Udayarpalayam had conducted enquiry on 18.02.2019 and 19.02.2019 on the complaint of the 6th respondent before the State Human Rights Commission, Chennai. After perusing the entire oral and documentary evidence, the State Human Rights Commission has passed an order dated 26.11.2019 directing the revenue department to initiate steps to change patta in the name of the 6th respondent and 5th respondent's members. In the meanwhile, after due verification of the records and considering the earlier order passed in proceedings No.K3/27160/2008 dated 13.03.2018 by the Additional Chief Secretary & the Principal Commissioner, Land Administration on the 6th respondent application, the Erstwhile Revenue Divisional Officer, Udayarpalayam, passed an order dated 04.03.2019 based on the complaint of the 6th respondent in SHRC Case No.6035/2018 on the file of the State Human Rights Commission, Chennai, Tamilnadu, directing the 6th respondent and 5th respondent's member to approach the concerned Civil Court for Patta transfer. After passing this order, the members of the 5th respondent and 6th respondent did not prefer any appeal before the DRO, Ariyalur against the order dated 04.03.2019 passed by the then RDO, Udayarpalayam. The rejection order dated 04.03.2019 for transferring the patta in their name, had been forwarded to the State Human Rights Commission, by the then RDO, Udayarpalayam. However, without verifying the documents and predecessor's order dated 04.03.2019, based on the order of the SHRC, the 3rd respondent/RDO, directed the 4th respondent/Tahsildar, by order dated 10.03.2020 to transfer the Patta from Petitioner's Vendor name to 6th respondent and the 5th respondent's members. In accordance with the order of the 3rd respondent, the 4th respondent/Tahsildar Jayankondam passed an order dated 04.07.2020 accordingly. Hence, the petitioner has preferred a Revision petition on 22.07.2020 before the District Revenue Officer, Ariyalur in Na.Ka. Aa2/2607/20 against the order dated 10.03.2020 in favour of the 5th respondent and 6th respondent herein. While the same is pending for disposal till now, the 5th respondent's members and 6th respondent are attempting to sell the property on the basis of the orders passed by the respondents 3 and 4. Hence, the petitioner is left no other option to approach this Court by invoking under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent/DRO, Ariyalur to dispose of the Revision Petition dated 22.07.2020 pending before it.

3. The learned Government Advocates appearing for the respondents 1 to 5 would submit that the petitioner has filed the Revision petition in Na.Ka. Aa2/2607/20 against the order dated 10.03.2020 passed in favour of the 5th respondent's members and the 6th respondent. Initially, the Patta with regard to the said property to the particular extent purchased



by the petitioner was mutated in the name of the petitioner's vendor and after the complaint made by the 6th respondent, the patta was ordered to be mutated in the name of the 5th respondent's members and the 6th respondent based on the order dated 26.11.2019 of the SHRC. In view of the aforesaid circumstances, the revision petition filed by the petitioner ought to have been disposed of within a time frame fixed by this Court to avoid future encumbrances.

4. Heard, the learned counsel for the petitioner and the learned Government Advocates appearing for the respondents 1 to 5 as well as perused the material available on record.

5. In view of the facts and circumstances of the case and submissions made by the learned Government Advocates, this Court is of the view that if the dispute in the land will be not decided in the Revision petition, it will lead multiplicity proceedings and hence, the 2nd respondent is directed to dispose of the Revision Petition dated 22.07.2020 in Na.Ka. Aa2/2607/20 within a period of Six months from the date of receipt of copy of this order after affording sufficient opportunity to the petitioner.

5. With the aforesaid directions, this Writ petition is allowed. Consequently, connected miscellaneous petition is closed if any. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

Lbm

To:

1. The District Collector,
Ariyalur, Ariyalur District.
2. The District Revenue Officer,
Ariyalur, Ariyalur District.
3. The Revenue Divisional Officer,
Udayarpalayam & Taluk,
Ariyalur District.



4. The Tahsildar,
Taluk Office,
Jayankondam,
Udayarpalayam & Taluk,
Ariyalur District.

5. The Special Officer,
Jayangondam Hand Loom Weavers
Co-operative Production and Sales Society,
Represented by its Special Officer,
R.554, Jayankondam Post,
Udayarpalayam Taluk,
Ariyalur District - 621802.

+1cc to M/s.Usha Ramman, Advocate, S.R.No.42985

+1cc to the Government Pleader, S.R.No.43085

W.P. No.17772 of 2021
and
W.M.P. No.18947 of 2021

GPL(CO)
SU(05/10/2021)