



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.17943 OF 2021

AND

W.M.P. NO.19153 OF 2021

The South India Adi Andhra
Welfare Association,
Rep. by its Advisor,
S.Kondiah,
Regd. No.76/99, M.D.S.,
No.5, Pandidurai Street,
Kamarajapuram, Velacherry,
Chennai - 600 042.

... Petitioner

.Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildar,
Ponneri Taluka, Ponneri,
Thiruvallur District.
3. The Village Administrative Officer,
No.118, Padiyanallur Village,
Padiyanallur,
Thiruvallur District.
4. The Revenue Divisional Officer,
Ponneri, Thiruvallur District.
5. The Padiyanallur Panchayat Union,
Padiyanallur,
Thiruvallur District.

... Respondents

PRAYER:-

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Revenue Divisional Officer, Ponneri/4th respondent herein to



consider and dispose of the petitioner association representation dated 24.05.2021 within a stipulated period and consequently direct the 4th respondent to issue Patta to the petitioner Association Plot/s in Survey No.35/1, Mahatma Gandhi Nagar, Padianallur, Ponneri Taluk, Thiruvallur District and pass appropriate orders accordingly.

For Petitioner :: Mr.M.Chidambaram

For Respondents 1-4 :: Mr.Yogesh Kannadasan
(Special Government Pleader)

For Respondent 5 :: Mr.D.Ravichandar

O R D E R

This Writ Petitions is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Revenue Divisional Officer, Ponneri/4th respondent herein to consider and dispose of the petitioner association representation dated 24.05.2021 within a stipulated period and consequently direct the 4th respondent to issue Patta to the petitioner Association Plot/s in Survey No.35/1, Mahatma Gandhi Nagar, Padianallur, Ponneri Taluk, Thiruvallur District and pass appropriate orders accordingly.

2. Heard the learned counsel on either side as well as perused the material available on records.

3. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side, it is seen that the members of the petitioner association have purchased the house site plots which was converted from Agricultural land, from G.Elumalai, under unregistered documents. After receiving sale consideration from the members of the Association, G.Elumalai died. When the petitioner association member approached the Sub-Registrar Office for registration, it has been refused to register the documents since the value of property being Zero sale deeds. After purchase of plots, the petitioner association had sent its representation dated 27.11.2017, to the District Collector, Thiruvallur District/1st respondent herein. In the result, the 1st respondent directed the Tahsildar, Ponneri Taluk/ 2nd respondent herein to conduct enquiry in this regard. Subsequent to this direction, the 2nd respondent directed the Village Administrative Officer/3rd respondent herein to conduct enquiry over the issue. Thereafter, the 3rd respondent conducted enquiry and submitted his report that the petitioners have purchased the property with ignorance without knowing the



factual status of the property. Therefore, the members of the petitioner association may be considered to issue patta after perusing the documents of Village subject to provisions of the Tamilnadu Government. Based upon the 3rd respondent's report, the Tahsildar, Ponneri/2nd respondent herein has sent a letter No.3719/2018/A2 dated 05.09.2018 to the Revenue Divisional Officer, Ponneri/4th respondent herein to take further action in this regard. Despite the aforesaid letter has been received by the 4th respondent herein, there was no action taken nor reply sent by the 4th respondent on the aforesaid letter sent by the 2nd respondent herein. Therefore, the petitioner association had given another representation to the 4th respondent directly dated 21.06.2019, 11.02.2020 and 30.12.2020. In the meanwhile, as the 5th respondent herein is using the aforesaid plots as waste dumping yard and there was no reply and no steps was taken to issue patta to the petitioner association over the plots in question, the petitioner association has again sent its representation dated 24.05.2021 to the 4th respondent herein to restrain the 5th respondent from dumping wastage in the aforesaid plots and to issue Patta to the members of the association in the plots in question, based on the unregistered documents till now. Under such circumstances, this Court without expressing any opinion with regard to the merits of the case, directs the 4th respondent to consider the representation dated 24.05.2021 made by the petitioner association and pass appropriate orders on it within a period of twenty weeks from the date of receipt of copy of this order in accordance with law after affording sufficient opportunity to the petitioner association herein.

4. In the result, the Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Lbm

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.



2. The Tahsildar,
Ponneri Taluka,
Ponneri,
Thiruvallur District.

WEB COPY

3. The Village Administrative Officer,
No.118, Padiyanallur Village,
Padiyanallur,
Thiruvallur District.

4. The Revenue Divisional Officer,
Ponneri, Thiruvallur District.

5. The Padiyanallur Panchayat Union,
Padiyanallur,
Thiruvallur District.

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.57094
+1cc to the Government Pleader, S.R.No.57600

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SSI (CO)
PBS/07/01/2022