



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.18531 of 2021

P.Chakkubai

... Petitioner

-Vs-

1.The District Collector
Kanchipuram district,
Collectorate, Kanchipuram.

2. The District Revenue Officer, (LA)
Oragadam and sriperumpudur exapansion II,
Pillaipakkam,
Sriperumpudur,
Kanchipuram district.

3.The Special Tahsildar (LA)
Oragadam and sriperumpudur exapansion II,
Pillaipakkam,
Sriperumpudur,
Kanchipuram district.

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 1st respondent to consider petitioners representation dated 24.03.2021 in time bound manner and pass orders accordingly.

For Petitioner :: Mr.C.Sivakumar

For Respondents :: Mr. K.M.D.Muhilan
(Government Advocate)

ORDER

The relief sought for in this writ petition is for a direction to the 1st respondent to consider petitioners



representation dated 24.03.2021 in time bound manner and pass orders accordingly.

2.The learned counsel for the petitioner would submit that the lands comprising in S.Nos.166/7, 166/9 and 166/10 of Vaipur 'B' Village, Sriperumbudur Taluk, Kanchipuram District, originally those are inheritance properties and which were inherited to petitioner's mother Annammal through the Partition Suit in O.S No.117 of 1966 on the file of District Munsif, Poonamallee in the year 1968. Thereafter those land, were duly mutated in Patta No.20 stood in the name of the petitioner's mother Annammal. Since then those lands were in the possession of the petitioner's mother until his mother expired on 11.12.1979. Even thereafter those lands are in petitioner's possession as he has the only legal heir to his mother. Since the petitioner was working as a teacher in the Government Girls Higher Secondary School, Ashok Nagar and on account of residing at Chennai. the petitioner was not in a position to watch those lands daily. In the meantime, The petitioner came to knowledge that those lands and other lands were being acquired by the Government for the Industrial Purpose for SIPCOT. Hence the petitioner approached the 3rd respondent namely The Special Tahsildar (LA) and shown the Patta and other connected documents with regard to the aforesaid property. The 3rd respondent ie. The Special Tahsildar (LA) issued a show cause notice in Na.Ka No. 09 of 2009 dated 09.01.2010 to the petitioner hereion wherein it was mentioned only two Survey Nos.166/7 and 166/10. When the petitioner asked the Special Tazhildar about the S.No.166/9, for which the Tahsildar informed that regarding that Survey Number the patta stands in the name of one Thiresammal therefore the show cause notice issued to the said Thiresammal with respect to that survey number. Futher, the lands comprising in S.Nos 166/7 and 166/10 were also stood in the name of R.Madhivanan and others based on the sale deed dated 12.07.1993. The said Documents are forged as executed by my mother Annammal as a Principal through Power Agent one Selvarajalingam under the Power of Attorney dated 17.08.1988, whereas the petitioner's mother was not alive and passed away in the year 1979 itself ie. 11.12.1979. The petitioner was shocked over the transaction through these forgery documents created by the Selvarajalingam and others. Hence, the petitioner has submitted the complaint to the Tahsildar, Sriperumpudur to cancel the Pattas stood in the other persons' name who illegally got pattas in their names and also lodged a criminal complaint and



the same was registered in Crime No.230 of 2019 by the Oragadam Police.

3. It has been further submitted that the Tahsildar issued summons to all the persons, but except the above said Thiresammal, no others appeared before the Tazhildar for several hearings. Hence the Tahsildar inquired the petitioner herein and said Thiresammal. During the inquiry the said Thiresammal categorically admitted that the said land comprising S.No. 166/9 was not in her possession and further informed that she did not know that how her name was mutated in the patta and further informed that the VAO of the Vaipur, informed to her about the patta stands in her name. Based on which she executed a settlement deed in favour of her son. On considering the version of Thiresammal and documents produced by the petitioner herein, the Tahsildar submitted a detailed report to the Revenue Divisional Officer, Kanchipuram on 19.09.2012.

4. The learned counsel for the petitioner further submitted that the RDO who in turn also issued summon again to all the persons for further inquiry, wherein also the petitioner herein and the said Thiresammal appeared but the aforesaid Selvarajalingam and his men did not appear despite issued eight summons to them. On considering the petitioner's statement, documents, statement of Thiresammal and statement of VAO, Vaipur B Village, the DRO passed an order by his proceedings Na.Ka.3137/2012/A2 on 18.06.2015 by cancelling all the Pattas obtained illegally and directed to issue fresh patta in the name of the petitioner's mother Annammal. Accordingly patta No.20 was issued afresh. Thereafter since the petitioner is the only legal heir to his mother, the name of the petitioner is mutated in the patta and assigned as Patta No. 2621 in the year 2015. Thereafter the 3rd Respondent ie. The Special Tahsildar (LA) sent an inquiry summon Na.Ka. 09/2009/ 0.Ra.E P -2/Block -3 dated 22.10.2019 calling upon the petitioner to appear and produce all relevant records in connection with aforesaid lands before the 2nd respondent i.e. The Special District Revenue Officer (LA), SIPCOT Oragadam and Sriperumpudur Expansion II, Pillaipakkam, Sriperumbudur on 13.11.2019. Accordingly the petitioner had appeared before the 2nd respondent and produced all relevant records and the same received by him. Thereafter, the petitioner had been called for producing the original records pertaining to the aforesaid lands accordingly the petitioner had handed over



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all the original records on 28.12.2020 to the 3rd respondent Special Tahsildar (LA) with the hope that the compensation amount would be disbursed shortly. Thereafter there were no clear communications from them on payment and being delayed without any reasons. Hence, The petitioner herein sent his daughter on 28.01.2021 to approach the 3rd respondent to enquiry about the compensation since the petitioner was not in a good health due to age related issue. But the 3 respondent i.e the Special Tahsildar (LA) returned all the originals documents to her by saying that one Mr. Madhivanan, who purchased the land comprising S.Nos. 166/7 and 166/10 under forged Power of Attorney dated 17.08.1988 and the above said Thiresammal, whose name was wrongly mutated in Patta for the S.No.166/9, has objected to disburse the compensation amount in favour of the petitioner. But the 3rd respondent did not show or give the copy of the objection to the petitioner's daughter. While the petitioner's daughter asked the 3d respondent ie. the Special Tahsildar regarding there is any order from authority or court to stop the compensation, for which the 3rd respondent replied that no such order to stop the payment. Hence, the petitioner's daughter asked to disburse the compensation since no such order of stop payment. But the 3 respondent did not give any proper reply to the petitioner's daughter. Even though the petitioner's daughter explained the earlier fact and showed all the documents including proceedings of the RDO, the Special Tahsildar ignored the same. Hence, the petitioner's daughter demanded the copy of the objection but he did not give the same. Further, the petitioner's daughter also requested to issue a copy of Award for which also the 3rd respondent ie. the Special Tazhildar refused at that time. Thereafter, the petitioner's daughter brought to the notice to the 2nd respondent ie. the Special DRO (LA) the above incident and explained the earlier fact. The 2nd respondent ie. the Special DRO (LA) had directed the 3rd respondent ie. The Special Tahsildar (LA) to disburse the compensation amount immediately. But the 3rd respondent ie. The Special Tahsildar refused to do so. Hence, the petitioner came to understand that the 3rd respondent/the Special Tahsildar(LA) have been influenced his counterpart therefore he refused to disburse compensation despite the 2nd respondent/the Special DRO issued a direction to him. The act of the 2nd respondent ie. the Special Tahsildar is an illegal and unjust. Therefore the petitioner sent a detailed representation by narrating the above said facts on 24.03.2021 to the 1st respondent/the District Collector as the 1st respondent



is the disbursing authority as per the Act and accordingly the relevant copies of the documents with regard to the aforesaid property were sent to the 2nd and 3rd respondents. Despite the respondents received the said representation on 26.03.2021 made by the petitioner herein, the respondents did not consider his representation until 07.07.2021. Thereafter, the petitioner had visited the District collector and the Special Tahsildar in person and explained about the details of the above. However, there is no response from their side.

5. The learned counsel for the petitioner would further submit that despite the petitioner is having a clear title over the lands and got patta in his name which was issued after duly enquiry conducted by both Tahsildar and RDO even then the respondents have not disbursed the compensation amount for the land acquisition. The counterpart did not appear before the RDO inquiry for deciding the title despite several summons were sent to them and also they did not prefer any appeal against the order of the RDO and leaving those now objecting to disburse the amount without any valid reason and the respondents also considered the vague objection and refused to disburse the compensation amount despite award was passed, Hence, the petitioner has no other alternative remedy except to approach this Court by invoking Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the first respondent, to consider his representation dated 24.03.2021 in time bound manner and pass orders accordingly. Hence, this petition.

6. The learned Government Advocate appearing for the respondents would submit that as there was an acquisition of property owned by the petitioner herein, the petitioner is entitled to receive the compensation for the acquisition of his property for which he has a valid documents to prove the same. As the patta with regard to the said property has been named to the 3rd party wrongly, the respondents may be directed to change the patta in the name of the petitioner thereby the respondents may be directed to pay compensation to the petitioner herein.

7. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.

8. Having considered the facts and circumstances of the



case and submissions made by the learned counsel on either side, this Court directs the respondents and authority concerned to consider the representation dated 24.03.2021 made by the petitioner herein and pass appropriate orders after perusing the relevant documents with regard to the acquisition of property within a period of three months from the date of receipt of copy of this order in accordance with law after affording sufficient opportunity to the petitioner herein and the objector.

9. With the aforesaid directions, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1.The District Collector
Kanchipuram district,
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2. The District Revenue Officer, (LA)
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+1cc to Mr.C.Sivakumar, Advocate, S.R.No.45085

+1cc to the Government Pleader, S.R.No.455051

W.P. No.18531 of 2021

SR-II(CO)

SB(01/11/2021)