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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18413 of 2019
and W.M.P.No.17751 of 2019

A.Rajendiran

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Kallakurichi Revenue Division,
Kallakurichi,
Villupuram District.

2. The Thasildar,
Chinnasalem Taluk,
Villupuram District.

3. Raman

4. Muthusamy

5. Ambayeeram

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus to direct the 2nd respondent to conduct the enquiry and filed inspection as per instruction issued in O.M./A4/6198/2018/dated 31.08.2018, consequently forward the enquiry report to 1st respondent for passing final order with regard to property comprised in S.No.47/13A measuring about 16 cents out of 32 cents, situated at Kuraal Village, Chinnasalem Taluk, Villupuram District.

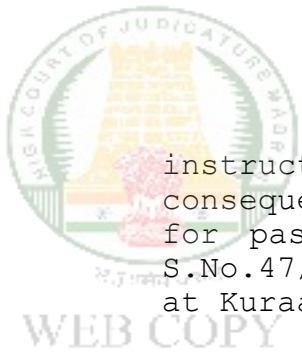
For Petitioner : Mr.R.Kumarvel

For Respondents : Mr.K.M.D.Muhilan for R1 & R2
Government Advocate

Mr.R.Baskaran for R3 to R5

ORDER

The petitioner has filed a mandamus to direct the second respondent to conduct an enquiry and filed inspection as per the

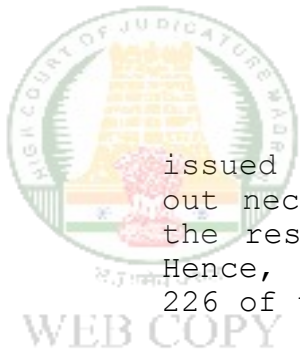


instruction issued in O.M./A4/6198/2018/dated 31.08.2018 and consequently forward the enquiry report to the first respondent for passing final order with regard to property comprised in S.No.47/13A measuring about 16 cents out of 32 cents, situated at Kuraal Village, Chinnasalem Taluk, Villupuram District.

2.The case of the petitioner is that the petitioner's father late Arumuga Padayachi and one Raman/third respondent jointly enjoyed S.No.47/13A measuring about 32 cents, each 16 cents. According to the petitioner, the third respondent sold his part land to the fourth and fifth respondents vide registered Sale Deed Nos.853/1998, 854/1998 each measuring 3 cents house site and the third respondent retained only 10 cents in S.No.47/13A and subsequent to that, the respondents 3 to 5 have got separate sub division and patta as 47/13B and 47/13C in patta No.880, 881 respectively and they have also constructed houses in their respective lands.

3.According to the petitioner, his mother, brother and sister executed registered Document No.69/2018 in his favour for 16 cents in S.No.47/13A and the petitioner has become the absolute owner of 16 cents. According to the petitioner, he has also applied for mutation separate patta whereas joint patta had been issued along with the respondents 3 to 5 since they have got separate patta for their 3 cents, this portion of land should not have been included in their names in his patta. Hence, the petitioner made representation to the first and second respondents on 30.07.2018. Since 2018, the petitioner is approaching the official respondents but no enquiry has been conducted. According to the petitioner, subdivision of S.Nos.47/13B and 47/13C were wrongly carried out without any inspection in FMB. In fact, their sale deed boundary clearly stipulates that their land situates at North of his agricultural land, despite the surveyor wrongly carried out by sketching it in petitioner's agricultural field South. According to the petitioner, he has handed over a representation to the District Revenue Officer, Villupuram on the Public Grievance Monday meeting, the District Revenue Officer, Villupuram had directed the first respondent vide his proceedings No.OM/A3/22267/2018 dated 13.08.2018 and the first respondent vide his proceedings No.OM/A4/6198/2018 dated 31.08.2018 had directed the second respondent. But no action has been taken and in spite of sending reminders and representations, the petitioner has finally sent a representation to the second respondent dated 19.02.2019. But till date, no action has been taken for conducting an enquiry.

4.According to the petitioner, his petitions dated 31.07.2018 and 19.02.2019 stating that the Tahsildar has wrongly



issued joint patta along with the respondents 3 to 5 to carry out necessary correction in FMB sketch and deletion of names of the respondents 3 to 5 from joint patta No.509 in S.No.47/13A. Hence, the petitioner has approached this Court under Article 226 of the Constitution of India.

5.No counter has been filed by the learned Government Advocate appearing for the respondents. The learned Government Advocate for the respondents would submit that it is only an enquiry to be conducted and the same can be considered by the Authorities.

6.Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 and 2 and the learned counsel for the respondents 3 to 5.

7.On going through the averments in this petition, it is clear that the dispute regarding patta issued to the parties who are the respondents 3 to 5. The petitioner submits that the joint patta has been issued along with respondents 3 to 5, which is in violation of right to property under Article 300(A) of the Constitution of India.

8.In view of the above, this Court is of the considered view that the second respondent shall conduct an enquiry and dispose of the same in accordance with law after affording opportunities to all the parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order.

9.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Revenue Divisional Officer,
Kallakurichi Revenue Division,
Kallakurichi,
Villupuram District.



2. The Thasildar,
Chinnasalem Taluk,
Villupuram District.

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+1cc to Mr.E.Vijay Anand, Advocate, S.R.No.43804
+1cc to Mr.R.Kumaravel, Advocate, S.R.No.44138
+1cc to the Government Pleader, S.R.No.44296

W.P.No.18413 of 2019

GPL[co]
NSK 24/09/2021