

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.20106 of 2021

K.Elumalai

...Petitioner

Vs

1. The Secretary,
Revenue Department,
Secretariat,
St.George Fort,
Chennai - 600 009.
2. The District Collector,
Office of the District Collector,
Villupuram District,
Villupuram
3. The Sub Collector,
Office of the Sub Collector,
Jekkampet, Thindivanam Town & Taluk,
Villupuram District.
4. The Tahsildar,
Office of the Taluk office,
Gingee Taluk - 604 202.
Villupuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing respondents to consider the petitioner representation dated 23.01.2021.

For Petitioner : Mr.P.Thirumalai
For Respondents : Mr. V. Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 23.01.2021.

2. The case of the petitioner is that he is doing agricultural activities in his land permanently and his

ancestral family members got the Natham patta property and enjoying the same without any indulgence from the third party. Thereafter, the petitioner purchased a property in Item Nos.2 & 3 by way of registered a Sale Deed from one Mannankatti, Chinnakutti and Chinnadurai vide Document No.2943 of 1973 dated 19.12.1973. Subsequently, his father namely Kolavi Gounder had purchased a property in Item No.1 by way of registered a sale deed as Document No.266 of 1974 dated 02.02.1974. Thereafter, the petitioner obtained patta in the aforesaid Item Nos.I to III property on 28.12.2007 from the 4th respondent/Tahsildar and enjoying the same without any indulgence from the third parties. Consequently, he had paid kisthu to the Government and received receipts. Whereas, the above said property patta in Item Nos.1 to 3 have been transferred to some other persons. On 15.06.2021, he has verified with the 4th respondent's office and he came to know that the patta and chitta stands in the name of some other persons without the knowledge of the petitioner. Therefore, he made a representation dated 23.01.2021 before the respondents and the same was acknowledged on 26.01.2021, till date, no action has been taken by the respondents on the above said representation. Hence, he has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representation dated 23.01.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, the respondents are hereby directed to verify all the Revenue Records and to consider the petitioner's representation dated 23.01.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and necessary parties concerned within a period of four months from the date of receipt of a copy of this order. No costs.

s/d-

Assistant Registrar(CS IV)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Revenue Department,
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St.George Fort,
Chennai - 600 009.
2. The District Collector,
Office of the District Collector,
Villupuram District,
Villupuram
3. The Sub Collector,
Office of the Sub Collector,
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4. The Tahsildar,
Office of the Taluk office,
Gingee Taluk - 604 202.
Villupuram District.

+1 CC to Mr.P.Thirumalai, Advocate sr 48846
+1 CC to The Government Pleader sr 49061.

W.P.No.20106 of 2021

RSV(CO)
SP(09/11/2021)