



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20877 of 2021

R.Subramani Reddy

...Petitioner

Vs.

- 1.The District Collector,
Kanchipuram District.
- 2.The District Revenue Officer,
Kanchipuram District.
- 3.The Revenue Divisional Officer,
Sriperumbudur Taluk, Kanchipuram District.
- 4.The Tahsildhar,
Sriperumbudur Taluk, Kanchipuram District.
- 5.The Sub-Registrar,
Sunguvachatiram, Kanchipuram District.
- 6.The District Registrar,
Registration Department,
Chengelpet District.
- 7.The Inspector of Police,
C-1, Sriperumbudur Police Station. ...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a writ of Mandamus to direct the 2nd respondent herein, viz., District Revenue Officer (DRO) Kanchipuram District, to pass necessary orders, concerning the property situated at No.39, Mambakkam Village, Patta No.426, Survey No.90/3, measuring an extent of 2 acre and 14 cents, by also considering the petitioner's representation dated 07.07.2021.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.Yogesh Kannadasan
Government Advocate



ORDER

This writ petition has been filed for a mandamus to direct the second respondent/the District Revenue officer, Kanchipuram District to pass necessary orders concerning the property situated at No.39, Mambakkam Village, Patta No. 426, S.No.90/3 measuring an extent of 2 acres and 14 cents by considering the petitioner's representation dated 07.07.2021.

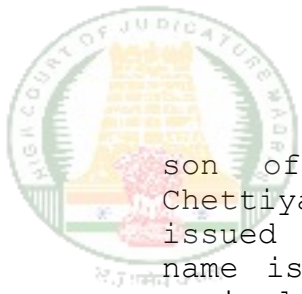
2.The case of the petitioner is that the case on hand concerns about the ancestral property of his grandfather and after the demise of his grand father, Mr.Raghava Reddy on 25.07.1974, the said property came into his possession, being the only legal heir and pursuant to which, he was in continuous possession and enjoyment of the said property.

3.The petitioner submits that from the year 1955 till 1986, all the Revenue Records were stands in the name of his grandfather, since the Revenue Officials in the year 1987 without any intimation or hearing him in respect of the subject property, had arbitrarily and unilaterally issued a joint patta both in the names of his late father as well as other persons viz., Mr.Kuppusamy, Mr.Venkatachalam and Mr.Srinivasan who belongs to Chettiyar Community whereas his family belongs to Reddiyar Community and admittedly such persons do not have any relation or not in a way connected to his ancestral property.

4.The petitioner further submits that such an exercise had been carried out by the Revenue Officials for certain extraneous reasons and irrelevant considerations not known to him nor any details regarding the same have been given or intimated to him at any point of time, this came to him and his family member's knowledge only in the year 2006 and pursuant to the same, they have been regularly approaching all the Revenue Officials seeking the indulgence of the Revenue Officials/respondents herein to immediately conduct an inquiry and cancel the joint patta issued in the name of the persons who belonging to the Chettiyar community and they had with a criminal intention had sold his property, viz., 2 acres and 14 cents in the year 2006 by manipulating and forging the Records.

5.According to the petitioner, admittedly it took some time for him and his family members to trace and find out all such Records from the SRO office as well as from the Revenue Officials/ Respondents office and after gathering all the documents, he had given a Police complaint dated 21.02.2017 to the Inspector of Police, C-1 Police Station, Sriperumbudur Taluk.

6.The petitioner submits that admittedly during the enquiry in the police station, it came to light that one R.K.Subramani



son of Mr.Kannayiram among other persons who belongs to Chettiyar community and in whose names, the joint patta was issued with resemblance of the same name, i.e., the petitioner name is also R.Subramani son of Late Mr.Raghava Reddy and had manipulated and forged the documents and thereby created a registered Sale Deed.

7.The petitioner further submits that the fact was revealed by the said R.K.Subramani to the Police and accordingly, he had given a statement dated 21.02.2017 to the Police undertaking to cancel the Sale Deed and also further undertaking to cancel all the manipulated and forged documents.

8.According to the petitioner, the said R.K.Subramani had not complied with the undertakings given before the Police Officials and they did not yield any fruitful results.

9.The petitioner submits that on 23.03.2017, the Village Administrative Officer, Mambakkam Village conducted enquiry where the property is situated and recorded statement from the various members residing in the said village.

10.The petitioner further submits that even after the Report being submitted to the Tahsildar, Sriperumbudur by the Revenue Inspector was however kept open in cold storage for nearly 4 years in spite of him and his family members have been regularly approaching the Tahsildar to proceed further with the matter and do justice for them.

11.According to the petitioner, nothing had happened with the office of the Tahsildar, they had made various representations to the Revenue Higher Officials as well as made complaint/representation to the Directorate of Vigilance and Anti Corruption Alandur, Chennai, pursuant to which, the Directorate of Vigilance and Anti Corruption had forwarded the said representation to the Kanchipuram Collector and other Officials, the Tahsildar had conducted further inquiry in the said matter and found that the Report given by the Revenue Inspector and accordingly, he forwarded the Report in the month of May 2021 to the Revenue Divisional officer, Sriperumbudur, Kanchipuram District.

12.The petitioner submits that based on the Report given by the Tahsildar in May 2021 after perusing the records and after conducting a further inquiry in the matter confirming to the fact that the subject property originally belonged to Late Mr.Ella Reddy and presently in occupation and possession of the petitioner herein Mr.R.Subramani, the said Office of the Revenue Divisional officer sent his Report in the month of June 2021 to the District Revenue Officer, Kanchipuram District.



13.The petitioner further submits that they have been running for the past 15 years from the year 2006, when they came to know about the illegality committed by the above said persons, viz., R.K.Subramani and his 3 sons who had prepared false and forged documents and thereby created a forged Power of Attorney by appointing M/s.Likhami Holdings, represented by its Managing Director, Mr.L.R.Sivaprasad by referring the name of the petitioner Mr.Subramaniya Reddy as the executor of Power of Attorney and thereby forging his signature which was ultimately signed by R.K.Subramani by misrepresenting as Mr.Subramaniya Reddy while at the end of the document, the said R.K.Subramani had mentioned his father name as Mr.Kannayiram.

14.According to the petitioner, the said L.R.Shivaprasad, representing along with the forged Power of Attorney in the name of Subramaniya Reddy had sold the property to one Mr.Muthukumar of Chennai vide Document No.1004/1992 dated 03.03.1992 before the SRO Sriperumbudur.

15.The petitioner submits that in the year 2006, the said Mr.Muthukumar through his Power of Attorney M/s.Likhami Holdings Ltd., represented by L.R.Sivaprasad had sold the properties to various persons including the petitioner herein to M/s.Goutham Trade & Commerce Ltd., Alwarpet, Chennai for an extent of 2 acres and 14 cents vide Sale Deed Document No. 1930/2006 dated 16.02.2006, before the SRO Sriperumbudur, pursuant to the same, the above said persons with the help of other politicians and henchmen had registered a Power of Attorney Document No.2631/2006 dated 12.09.2006 before the SRO, Sriperumbudur by getting the thumb impression of the petitioner while forging the signature of the petitioner who was then aged 82 years, without knowing the petitioner that for what purpose his thumb impression has been taken, thereby approaching one S.Srinivasan son of R.K. Subramani to be his Power Agent.

16.The petitioner further submits that on enquiry made by the Police, the above said persons, viz., R.K.Subramani and S.Venkatesan had accepted the illegality committed by them and accordingly had given an undertaking to the Police that they would cancel all the transactions concerning the subject property but as undertaken, the above said persons have not done so and accordingly the same is pending before the District Revenue officer for approval.

17.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

18.Heard, learned counsel for the petitioner and learned



Government Advocate for the respondents and perused the materials available on record.

19. In view of the above facts and circumstances of the case and considering the submission made by the petitioner, this Court directs the District Revenue Officer, Kanchipuram District to consider the representation dated 07.07.2021 sent by the petitioner and pass appropriate orders after issuing notice to all the necessary parties in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

20. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

skr/pam

To

1. The District Collector,
Kanchipuram District.
2. The District Revenue Officer,
Kanchipuram District.
3. The Revenue Divisional Officer,
Sriperumbudur Taluk, Kanchipuram District.
4. The Tahsildhar,
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5. The Sub-Registrar,
Sunguvachatiram, Kanchipuram District.
6. The District Registrar,
Registration Department,
Chengelpet District.
7. The Inspector of Police,
C-1, Sriperumbudur Police Station.

+2cc to Mr.S.Baskaran, Advocate, S.R.No.50652

+1cc to the Government Pleader, S.R.No.51250

W.P.No. 20877 of 2021

KG(CO)
SB(29/11/2021)