



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.22308 of 2019

M. Nagaraj

... Petitioner

-Vs-

1. The Director of land survey and Land Tax department,
Commissioner of Land Survey,
Chepauk, Chennai.
2. The District Collector,
Office of the Tiruvallur Collector,
Tiruvallur District.
3. The Revenue Divisional Officer,
Tiruttani,
Tiruvallur District.
4. The Tahsildar,
Pallipattu Taluk,
Tiruvallur 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 respondents to consider the representation of the petitioner dated 09.11.2017 which has been given to measure the land comprised in S.Nos.233/27 and 233/26 measuring to an extent of 6.3/4 cents in Veliagraman village, Pallipattu Taluk, Tiruvallur District within the time frame that may be fixed by the Hon'ble Court and pass orders accordingly.

For Petitioner :: Mr.S. Arokia Maniraj

For Respondents :: Mr.V. Veluchamy
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the representation of the petitioner dated 09.11.2017 which has been given to measure the land comprised in S.Nos.233/27 and 233/26 measuring to an extent of 6.3/4 cents in Veliagraman village, Pallipattu Taluk,



2. The learned counsel for the petitioner would submit that the petitioner's grand father Mariyan purchased the property comprised in S.No 233/27 to an extent of 6.3/4 cents in Veliagraman village, Pallipattu Taluk, Tiruvallur District. After the death of his grandfather, the petitioner's father was in possession and enjoyment of the said property with an unfettered right by constructing house therein. During the lifetime of the father of the petitioner, namely, B.M.Muthu executed a deed of settlement in document No.1531 of 2017 on the file of the S.R.O, Pallipattu Taluk, Tiruvallur District. On and from the date of acquiring the above said property, the petitioner has been in possession and enjoyment of the same till date. Earlier the petitioner's father paid the property tax from 1983 to 2015 without any default. Thereafter the petitioner has been paying the tax from the year 2017 for the above said property. While that be so, all of the sudden, without any notice or intimation, the 4th respondent deducted 5½ cents in the revenue records on his own accord. Such an act of the 4th respondent is highly illegal and he has no right to alter the revenue records without any notice or enquiry on the side of the petitioner. While the above said property is the ancestral property and deriving title from the registered sale deed in document No. 2240 of 1944, the 4th respondent acted arbitrarily and altered the revenue records without any basis.

3. It has been further submitted that on 17.04.2017, the petitioner made the application to the Tahsildar and paid the amount to demark the property and to lay corner stone for proper identification and to protect the said property of the petitioner herein. However, no action has been taken by the respondents and again on 25.04.2017, the petitioner's father made a representation to District Collector, Tiruvallur requesting to direct the Tahsildar to measure the land. No action was taken and again on 14.06.2017, the petitioner's father made representation to the District Collector, to take due steps to measure the land. Even in that representation, no action was taken so far. In the meanwhile, on 19.07.2017, the director of land survey and records department directed the Tahsildar of Pallipattu Taluk to take the action on the representation of the petitioner's father in Na. Ka. No.E2/2/88/2017 dated 19.07.2017. Similarly on 31.07.2017 the director of land survey and records department, Tiruvallur District, specifically directed the Tahsildar to measure the land and to redress the grievance of the petitioner in Na. Ka. No. E2/88/2017 dated 31.07.2017. Even after the specific directions issued by the land survey and records department, the 4th respondent herein did not take any action and in stead of



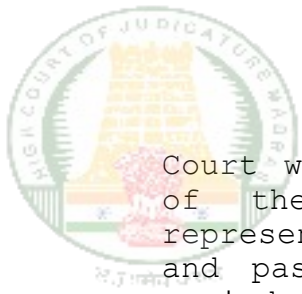
taking action on the representation made by the petitioner and petitioner's father, such an in action of the 4th respondent leads to miscarriage of Justice.

4. It has been further submitted that again on 10.08.2017 and 08.09.2017, the petitioner's father made representation to the District Collector, Tiruvallur District and the copy of representation was also addressed to the Land Survey and records department. On 24.10.2017 and the Additional Director of Land Survey Department sent a communication in Na.Ka.No.4/35866/17 (LS) dated 24.10.2017 to District Collector to take the appropriate action and to redress the grievance of the petitioner. On 09.11.2017, the petitioner made a representation to the respondent to measure the land and to lay the corner stone. Thereafter on 10.9.2018, the Revenue Divisional Officer sent a communication to the Tahsildar, Pallipattu to measure the land and to report the same. Again on 02.07.2018 and on 06.02.2019, the Additional Director of Land Survey and Records sent a communication to the District Collector in O.MU.NA.4/3040/2019(LS) dated 06.12.2019 directing the District Collector to take appropriate action. However no action has been taken till date. The inaction of the respondents is not only harassing the petitioner but also depriving the petitioner's basis right to protect his property. In the month of May 2017, the Revenue Inspector of Pallipattu issued a notice to demolish the bathroom situated at S.No.233/1 while the petitioner's property is situated at S.No.233/27 and no way connected to the property situated at S.No.233/1. Hence, the petitioner has no other efficacious and alternative remedy except to approach this Hon'ble Court by invoking the prerogative remedy contemplated under Article 226 of the Constitution of India, seeking for to issue Writ of Mandamus, directing the respondents to consider the representation of petitioner dated 09.11.2017 which has been given for the purpose of to measure the land comprised in S.Nos. 233/27 and 233/26 measuring to an extent of 6.3/4 cents in Veliagraman Village, Pallipattu Taluk, Tiruvallur District within the time frame as fixed by this Court and pass orders accordingly.

5. The learned Government Advocate for the respondents would submit that the respondents may be directed to consider the representation dated 09.11.2017 made by the petitioner herein within a time frame as fixed by this Court as it is fit.

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

7. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, this



Court without expressing any opinion with regard to the merits of the case, directs the respondents to consider the representation dated 09.11.2017 made by the petitioner herein and pass appropriate orders in accordance with law within a period of four months from the date of receipt of copy of this order after affording sufficient opportunity to the petitioner herein and having perused the documents relied by the petitioner herein.

8. With the aforesaid directions, the present Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Director of land survey and Land Tax department,
Commissioner of Land Survey,
Chepauk, Chennai.
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4. The Tahsildar,
Pallipattu Taluk,
Tiruvallur District.

+1cc to Mr.S. Arokia Maniraj, Advocate, S.R.No.52098
+1cc to the Government Pleader, S.R.No.52821

W.P. No.22308 of 2019

NMI (CO)
CT 09/12/2021