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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21123 of 2021

Mr.K.Chokalingam

...Petitioner

Vs.

1.The Tahsildar,
Avadi Tahsildar Office,
Avadi, Chennai - 600 054.

2.The Village Administrative Officer,
Allathur Village,
Avadi Taluk,

3.Mr.A.Ganesan

4.Mrs.T.Kanchana

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 1st Respondent to conduct the enquiry on the petitioner's representation dated 22.02.2021 by giving personal hearing of the petitioner and other necessary parties and pass final orders within the stipulated by this Court.

For Petitioner : Mr.A.Vijayasankar

For Respondents : Mr.Yogesh Kannadasan for R1 &R2
Government Advocate

ORDER

This Writ Petition has been filed for a Mandamus to direct the first Respondent to consider the petitioner's representation dated on 22.02.2021.



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2.The case of the petitioner is that the agricultural land comprised in S.No.182/2, Alanthur Village, Avadi Taluk, Thiruvallur District to an extent of 0.16 cents belonging to his father Late.Krishnan vide Patta No.275.

3.The Petitioner submits that he and his father had been cultivating in the said land and the total Village people were migrated to various other Villages in order to get job since there was no irrigation to cultivate their respective lands due to monsoon failure.

4.The petitioner further submits that after demise of his father viz., Mr.Krishnan, he was also migrated along with his entire family in order to get job for their livelihood and his mother viz., Mrs.Rajammal also died on 28.10.2005 at Alanthur Village.

5.According to the petitioner, he approached the Village Administrative Officer/ the second respondent herein to verify the records and found that the Patta was illegally mutated into third party name.

6.The petitioner submits that without getting any valid title and without right over the property, the third respondent has managed to change the patta in his name illegally.

7.The petitioner further submits that he made a representation dated 15.07.2019 to the Tiruvallur Collector Office by requesting to change the patta in his favour, the said representation has been forwarded to the first respondent for necessary action, but no response from the respondents 1 and 2.

8.According to the petitioner, on 22.02.2021, he made a representation to the respondents 1 and 2 to cancel the Patta No.745 stands in the name of the third respondent and others and to grant patta in his name in respect of the aforesaid property, but no positive result from the respondents 1 and 2 till date.

9.The petitioner submits that the respondents 3 and 4 illegally trespassed into his aforesaid property and cleared the rubbish and hence, he made a police complaint before the



Muthapudupet Police Station and the Police Officials has also issued CSR No.258 of 2020 dated 20.08.2020.

10.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.

11.Heard, learned counsel for the petitioner and learned Government Advocate for the respondents 1 and 2 and perused the materials available on record.

12.In view of the above and considering the submission made by the petitioner, this Court is of the view that the Official respondents shall consider the petitioner representation dated 22.02.2021 and pass appropriate orders in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as other necessary parties, within a period of three months from the date of receipt of a copy of this order.

13.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dk/pam

To

1.The Tahsildar,
Avadi Tahsildar Office,
Avadi, Chennai - 600 054.

2.The Village Administrative Officer,
Allathur Village,
Avadi Taluk,

+1cc to Mr.A.Vijaya Sankar, Advocate, S.R.No.51142

+1cc to the Government Pleader, S.R.No.51551

W.P.No.21123 of 2021

PA(CO)

SB(11/11/2021)