



W.P.No.21635 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21635 of 2021
and W.M.P.No.22819 of 2021

P.M.Dasarathan

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

4.The Tahsildar,
Avadi Taluk,
Thiruvallur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to implement the orders of this Court passed in W.P.No.28461 of 2015 dated 18.07.2018 within a stipulated period.

For Petitioner : Mr.M.Loganathan

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the respondents to implement the orders of this Court passed in W.P.No.28461 of 2015 dated 18.07.2018 within a stipulated period.

2.The case of the petitioner is that the properties in S.No.226/2-17 cents (North Side) out of 40 cents and in S.No.399/1C-acre 1.25 cents, S.No.448/17-cents and S.No.448/8-11 cents, totally acre 1.70 cents were originally under the custody and enjoyment of his grandfather viz., Mr.Sri Ramulu Naidu and their ancestors and further the property was under their peaceful possession for about 60 years without any disturbance and



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what so ever, all the Government dues were paid by them till the date and their family elders are already obtained Patta in their respective names.

3.The petitioner submits that after demise of his family elders, the said property was inherited by his father viz., P.Munisamy Naidu and later due to the health condition of his father, it was decided to make partition among himself and his brothers and accordingly they entered a Partition Deed dated 12.04.1989 and thereby B schedule property of the Partition Deed was allotted in his name, for which a Release Deed was also executed in his favour by his brothers through a Release Deed dated 13.04.1989.

4.The petitioner further submits that after Partition and Release Deed, the above mentioned property was absolutely in his custody and peaceful enjoyment even till this date.

5.According to the petitioner, the Patta was issued in his name for



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the lands in S.No.226/2 0.17 acre (North side) out of 0.40 acre but for the remaining land i.e. S.Nos.448/7 and 448/8 patta were not issued, however, later it is learnt that during the registry updating scheme his above said lands were wrongly classified as “pending”.

6.The petitioner submits that even prior to Estate Abolition Act 1948, his family elders were obtained patta for the said lands and moreover as per 1366 Pasili/Adangal record, it was mentioned that the patta was in the name of Mr.Ponnanpoolan and “A” register of the year 1980, it was mentioned that “Nanja Land”, but during the registry updating scheme, it was wrongly mentioned as “pending”.

7.The petitioner further submits that they made several representations to the concerned Authorities to verify the wrong entry and in turn the District Collector, Tiruvallur has ordered enquiry regarding his issue and accordingly, the Tahsildar directed the Village Administrative Officer and the Revenue Inspector to make enquiry and thereafter, the Village Administrative Officer and the Revenue Inspector were made their



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serious effects by searching village records and they conducted a physical and field enquiry and finally they found that the entry was erroneous and wrong.

8. According to the petitioner, a public notice was also effected seeking for an objection regarding issuance of Patta in his name and none of the villagers were objected for issuance of Patta to in his name.

9. The petitioner submits that the Village Administrative Officer and the Revenue Inspector were given their statements that the entry was made wrongly and recommended for necessary correction and only thereafter, the Tahsildar, Ambattur issued proceedings stating that the statements and village records undoubtedly shows that the lands in S.Nos.448/7 and 448/8 were wrongly classified as “pending”.

10. The petitioner further submits that finally the Revenue Divisional Officer submitted his detailed Report to the third respondent/ District Revenue Officer, Tiruvallur stating that the lands in S.Nos.448/7



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and 448/8 were wrongly mentioned as “pending” under the Registry updating scheme and also recommended that the patta may be issued to in his name.

11. According to the petitioner, without appreciating the statements, reports, field officer's reports, village accounts and records, the third respondent/District Revenue Officer erroneously passed an impugned order dated 25.09.2014 against which, he preferred an appeal before the first respondent and in turn, he redirected the second respondent on 31.12.2014, but no action has been taken to redress his grievance.

12. The petitioner submits that after a long struggle, he filed a writ petition in W.P.No.28461 of 2015 challenging the order passed by the third respondent herein, this Court rescued the petitioner by an interim order by granting status quo and finally, the same was disposed on 18.07.2018 directing the first respondent to dispose his appeal dated 15.12.2014 in accordance with law within a period of 12 weeks.

13. The petitioner further submits that thereafter, he made several attempts to get his legal rights but all his efforts are gone in vein and



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more particularly, the respondents are taking shelter under limitation for initiating contempt procedures before this Court.

14.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.

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

16.It is submitted by the petitioner that he is in possession of the above said property, this Court is of the view that the Authorities without giving an opportunity to the petitioner, no orders to be passed against the petitioner.

17.In view of the above facts and circumstances of the case and the submission made by the petitioner, this Court is of the view that the



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Authorities shall consider the letter dated 26.02.2020 of the Deputy Secretary to Government, Revenue and Disaster Management Department, Survey and Settlement Wing, Chennai and pass appropriate orders based on the representations sent by the petitioner within a period of four months from the date of receipt of a copy of this order.

18. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking order: Non-speaking order
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V.BHAVANI SUBBAROYAN, J.

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