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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.23195 OF 2021

M.Manopriya

...Petitioner

Vs.

- 1.The Secretary
Govt., of Tamilnadu
Department of Revenue,
Fort St. George, Chennai
- 2.The Commissioner of Revenue Administration,
& Disaster Management,
Chepauk, Chennai
- 3.The Commissioner of Land Administration,
Chepauk, Chennai - 600 005
- 4.The District Collector,
O/o The Collectorate,
Salem.
- 5.The District Revenue Officer,
District Collector Office,
Salem - 636 001
- 6.The Revenue Divisional Officer,
Gandhinagar, Attur,
Salem - 636 102
- 7.The Tahsildar,
Pethanaickanpalayam,
Salem - 636 109

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 5th respondent to dispose of the petitioner's revision petition dated 08.01.2021 against the order passed by the 6th respondent in Enquiry report No.Na.Ka.No.56/2020-AA1 dated 04.01.2021.

For Petitioner : Mr.R.Dillikumar

For Respondents : Mr.Yogesh Kannadasan
Government Advocate



O R D E R

With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage.

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2. The present Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 5th respondent to dispose of the petitioner's revision petition dated 08.01.2021 against the order passed by the 6th respondent in Enquiry report No.Na.Ka.No.56/2020-AA1 dated 04.01.2021.

3. The case of the petitioner is that originally the land to an extent of 2 Acres and 7 cents comprised in S.Nos.393/5 and 392/5 of Chinakalrayanmalai North village was inherited by one K.S.Kajamohideen by way of Doc.No.40 of 1967 executed before the Sub-registrar Office, Pethanaickenpalayam, based on the order passed by the settlement officer in L.R.No.35 & 36. Subsequently, the subject property was transferred to Kailasagounder and Athayiammal and thereafter, the same was purchased by the petitioner and her husband. Further, the patta of the above said pieces of land were transferred from the above said persons to the name of the petitioner as well as to the husband of the petitioner by Headquarters Deputy Tahsildar of Pethanaickenpalayam Taluk Office, vide proceedings no.925/2002-2003 dated 31.07.2002.

4. It is the further case of the petitioner that when the petitioner approached the Village Administrative Officer, Cinakalrayanmalai, Vadaku Nadu requesting to issue Chitta & Adangal certificate for her said patta lands, the petitioner was orally informed that certain survey numbers of Thumbal, Cinnakalrayanmalai, Vadaku Nadu, Cinnakalrayanmalai Therkku Nadu village and periyakalrayanmalaikeezh Nadu were wrongly recorded and the accounts of the said villages are not proper, therefore, petitioner's requisition was denied. In consequence, the petitioner approached the 7th respondent and on intervention of the said respondent, the petitioner was issued with Chitta and Adangal by the Village Administrative Officer, Cinnakalrayanmalai, Vadakunadu on 27.04.2018. Moreover, the petitioner requested the 6th respondent to pass appropriate orders to mutate in the village accounts as patta lands in favour of her and her husband with regard to the subject property. Since no action was taken, the petitioner approached this Court earlier, by way of W.P.No.13767 of 2020 seeking to mutate the subject property as patta lands in the revenue accounts, wherein this Court directed the 6th respondent therein to conduct enquiry and pass appropriate orders, however the Revenue Divisional Officer, Attur, simply dismissed the petitioner's petition on 04.01.2021. Aggrieved by the same, the



petitioner approached the 5th respondent on 08.01.2021, since no action was taken, the petitioner made a reminder on 21.04.2021 to pass an order to mutate in the village accounts, but no action was taken by the 5th respondent, further, the petitioner made her representation to the 3rd and 4th respondents on 26.04.2021 and the 3rd respondent by his letter dated 18.06.2021, directed the 4th respondent to take action on the revision petition filed before the 5th respondent, however, till date, no orders have been passed, hence the petitioner has come up with the present petition.

5. The learned counsel for the petitioner submits that after taking note of the orders passed by this Court in W.P.No.13767 of 2020 dated 01.10.2020, the Revenue Divisional Officer, Attur simply dismissed the petition of the petitioner on 04.01.2021, therefore, the petitioner has preferred revision petition before the District Revenue Officer, Salem on 08.01.2021. Further, the learned counsel for the petitioner contends the petitioner will be satisfied if a direction is issued to the 5th respondent to consider the Revision Petition preferred by the petitioner on 08.01.2021 and dispose of the same within a stipulated time that may be framed by this Court.

6. Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents, on instructions from the officer of the respondents/Departments submitted that a direction may be issued to the 5th respondent to consider the Revision Petition filed by the petitioner and twenty weeks time may also be granted to the 5th respondent to consider the same.

7. 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 case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 5th respondent to consider the Revision Petition filed by the petitioner dated 08.01.2021 and pass appropriate orders, on merits and in accordance with law within a period of twenty weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

ssd



To

1. The Secretary
Govt., of Tamilnadu
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Fort St. George, Chennai
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& Disaster Management,
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3. The Commissioner of Land Administration,
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Salem - 636 102
7. The Tahsildar,
Pethanaickanpalayam,
Salem - 636 109.

+1cc to Mr.R.Dillikumar, Advocate SR.No.55761

+1cc to the Government Pleader SR.No.56623

W.P.No.23195 of 2021

CA(CO)
RVM(07/12/2021)