



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.24840 of 2019

and

W.M.P.No.24466 of 2019

N.Perumal

...Petitioner

Versus

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Revenue Divisional Officer,
Chengalpatt,
Kancheepuram District.

3. The Tashildar,
Thirukazhukundram Taluk,
Thirukazhukundram,
Kancheepuram District.

4. S.Malar

...Respondents

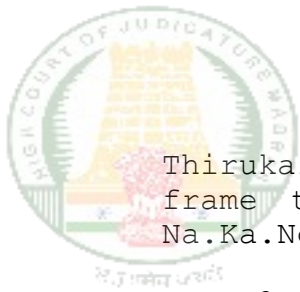
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing 2nd respondent to expedite the enquiry with regard to the Patta Cancellation Proceedings in respect of lands in S.No.114/1, New S.No.221/3, Mambakkam Village, Thirukazhukundram Taluk, Kancheepuram District, within a time frame to be stipulated by this Court to the proceedings in Na.Ka.No.393/2016/Aa of the 2nd respondent.

For Petitioners : Mr.W.M.Abdul Majeed

For RR 1 to 3 : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the 2nd respondent/RDO to expedite the enquiry with regard to Patta Cancellation Proceedings in respect of lands in S.No.114/1, New S.No.221/3, Mambakkam Village,



Thirukazhukundram Taluk, Kancheepuram District, within a time frame to be stipulated by this Court to the proceedings in Na.Ka.No.393/2016/Aa of the 2nd respondent.

2. The case of the petitioner is that his grandmother, namely Poongavanammal was purchased the property comprised in Survey Nos.114/1, New Survey No.221/3, measuring an extent of 0.11 Cents at Mambakkam Village of Thirvukazhukundram Taluk, Kancheepuram District, from one Dhanapal Naicker for valuable consideration on 20.01.1967. His grandfather Govindaraja Naicker also purchased the adjacent land measuring an extent of 0.06 Cents in the very same Survey Number by way of registered a Sale Deed, dated 15.04.1974 from one Kishtappa Achari and others for a valuable consideration. Hence, the petitioner's grandfather and grandmother became the absolute owners and enjoyment of the above said properties and subsequently, they died intestate leaving behind their sons namely, Narayanasamy and Thirumalai to succeed their estate. Thereafter, the said Narayanasamy and Thirumalai were in possession and enjoyment of the above said properties and the lands being "Grama Natham" lands, were utilized by them for putting up their residence and they have been seeking for issuance of patta in their favour and their names were also reflected in the Revenue Records and the door No.1/31 has been assigned to the petitioner's house and thereby they are paying all the necessary house taxes. The petitioner further submits that during the UDR transfers, it appears that the Patta has been granted in the name of the four daughters of the adjacent land owners namely Annamalai, namely Ponnammal, Amudha, Vendimalai and Kalyani and these persons seems to have executed some sham and nominal documents in favour of one Malar, W/o.Somanathan, the 4th respondent herein. He came to know about these facts, after the death of his father and paternal uncle, he sent a representation to the Police and Revenue Authorities including the respondents herein. The 3rd respondent/Tahsildar issued a notice dated 19.02.2015 called upon him for enquiry on 25.05.2015 based on the petitioner's grievance petition. Thereafter, he appeared before the 3rd respondent who conducted the enquiry after obtaining a report from the Revenue Inspector and other Revenue Authorities and the same was submitted before 2nd respondent. Consequently, the 2nd respondent issued a notice dated 23.08.2016 asked the petitioner to appear for enquiry on 09.09.2016, and he has also appeared on the same day. But the respondents did not pass any orders on the petitioner's grievance petition for the reasons best known to them. Hence, he sent a representation dated 28.08.2017 to the District Revenue Officer but, till date, no action has been taken by the respondents. On 05.06.2019, the 4th respondent along with her henchmen and other Goondas tried to trespass into the petitioner's property and forcefully throw him out of the possession of the property. Therefore, the petitioner lodged a



complaint on 08.06.2019 before the Police Station along with other Villagers with a copy of the order dated 18.01.2019 passed by this Court in W.P.No.20366 of 2015 and the said writ petition was filed by the 4th respondent directing the first respondent therein to conduct the enquiry as per Section 145 of the Code of Criminal Procedure for the aforesaid land based on the representation dated 01.12.2014 and the same was ordered on 18.01.2019 by rejecting the said prayer, but, liberty was granted to make a fresh representation, if warranted, whereas, the 4th respondent failed to make the petitioner herein as party to the writ petition. He came to know that the enquiry is still pending and no orders have been passed so far. Hence, The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India by filing the writ petition for the relief as stated supra.

3. The learned counsel appearing for the petitioner submits that the petitioners will be satisfied if a direction is issued to the 2nd respondent to expedite the enquiry with regard to the Patta Cancellation Proceedings in respect of lands in S.No.114/1, New S.No.221/3, Mambakkam Village, Thirukazhukundram, Kancheepuram District within a time frame in the proceedings in Na.Ka.No.393/2016/Aa of the 2nd respondent.

4. Heard both side and perused the records.

5. Having regard to the limited scope of the prayer that is now sought in this writ petition before this Court and taking into account the submissions made on either side, the Writ Petition is disposed of, the 2nd respondent/Revenue Divisional Officer is hereby directed to expedite the enquiry with regard to the Patta Cancellation Proceedings in respect of lands in S.No.114/1, New S.No.221/3, Mambakkam Village, Thirukazhukundram Taluk, Kancheepuram District and pass appropriate orders on merits and in accordance with the law, after affording an opportunity of personal hearing to the petitioner and necessary parties within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gba



To

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Revenue Divisional Officer,
Chengalpatt,
Kancheepuram District.

3. The Tashildar,
Thirukazhukundram Taluk,
Thirukazhukundram,
Kancheepuram District.

+1cc to Mr.W.M.Abdul Majeed, Advocate, S.R.No.52715

W.P.No.24840 of 2019
and
W.M.P.No.24466 of 2019

JPL (CO)
RGA (22/11/2021)