



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.27034 of 2019

Mr.S.Sampath

...Petitioner

Vs.

1.The District Revenue Officer,
Office of the Collectorate,
Kancheepuram,
Kancheepuram District.

2.The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District.

3.R.Jegadeeswari

...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 consider the petitioner's representation dated 16.05.2018 within the time frame that may be fixed by this Court.

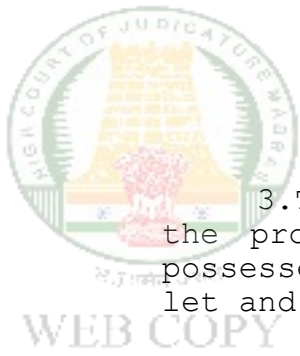
For Petitioner : Mr. S.Arokia Maniraj

For Respondents : Mr.V.Veluchamy for R1 and R2
Government Advocate
R3 - Not ready in notice

ORDER

This Writ Petition has been filed for a mandamus to direct the first respondent to consider the petitioners representation dated 16.05.2018 within a time frame.

2.The case of the petitioner is that he belong to Adi Dravida Scheduled Caste Community all that piece and parcel of the land situated in Kancheepuram District, Perumbakkam Village comprised in S.No.14/3 to an extent of 1.31 acres originally belonged to Mr.Gnanasundaram, his grandfather Mr.Kannaiappan son of Chinnakutty purchased the same by way of a registered Sale Deed before the Joint Sub-Registrar-II, Patta No.263.



3.The petitioner submits that his father Subramani acquired the property and was enjoying the same and after demise, he possessed the land and he has been enjoying the same without any let and hindrance.

4.The petitioner further submits that similarly in S.No.457 to an extent of 4.72 acres of land originally assigned to Mr.Sipoy Chinnathambai, who is his grandfather Kanniappan's elder brother and after the demise of Mr.Sipoy Chinnathambi his wife Tmt.Dhanalakshmi sold the property to Mr.Sadayan, son of Vembanvanan.

5.According to the petitioner, in the year 1943, this property was divided among those family members through partition by Kooru Chittu and the property was allotted to his grandfather Mr.Kanniappan and the same effected among them.

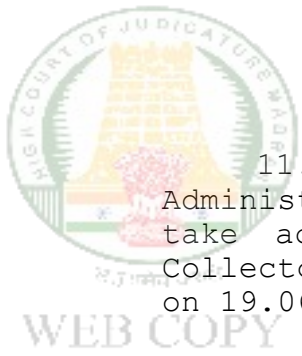
6.The petitioner submits that in the year 1944 for the expenses of his father's marriage, his grandfather Kanniappan and his father Mr.Subramani mortgaged the property to Mr.Srinivasa, son of Mr.Munusamy Mudaliar by way of Registered Document No.1056 of 1944 before the Joint Sub-Registrar -II, Saidapet.

7.The petitioner further submits that the third parties played fraud and created some Documents No.25/1973 before the SRO, Alandur and the Document Nos.1593/1975 and 1594/1975 before the Sub-Registrar, Alandur.

8.According to the petitioner, he is the sole and absolute owner of the property, the third parties would have no semblance of right over the property and the Sale Deed executed by creating a fabricated document in non-est law.

9.The petitioner submits that during the UDR period by mistake, the Patta was in the name of the third respondent.

10.The petitioner further submits that he made a representation to the first respondent on 16.05.2018 to cancel the patta which was wrongly entered under UDR scheme and to issue patta in favour of the legal heirs of original owner Mr.Kanniappan and also a copy of the representation was sent to the Principal Secretary to Government, Revenue Administrative Commissioner, Chennai and he has forwarded the direction to the first respondent to take action on his representation, but till date no action has been taken by the first respondent.



11. According to the petitioner, the Commissioner of Revenue Administration directed the District Collector, Kancheepuram to take action by his order 28.05.2018 in turn, the District Collector gave direction to the second respondent to take action on 19.06.2018.

12. 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.

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

14. On going through the typed set of papers, it is seen that the petitioner filed a writ petition in W.P.No.24179 of 2017 for cancelling the said document which has been registered fraudulently, wherein this Court passed the following order is extracted hereunder:

In view of the submissions made by the learned counsel on either side, without, expressing any opinion with regard to the merits of the case, I direct the 2nd respondent to consider the petitioner's representation 23.11.2016 and pass orders, in accordance with law, after giving notice to the 4th respondent, within a period of twelve weeks from the date of receipt of a copy of this order".

15. In the above facts and circumstances of the case and considering the submission made by the petitioner, this Court is not inclined to pass any orders in this writ petition to consider the representation. As stated above, this Court directs the petitioner to give a fresh representation to the said Registrar to take action on the complaint based on the orders passed by this Court within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the said Registrar is directed to pass appropriate orders within a period of twelve weeks thereafter. After the said orders being passed, the petitioner is directed to approach the Revenue Authorities for seeking appropriate orders for change of patta.

16. With the above direction, this Writ Petition is dismissed. No costs.

Sd/-
Deputy Registrar(CS)

//True copy//

Sub Assistant Registrar



pam

To

1.The District Revenue Officer,
Office of the Collectorate,
Kancheepuram,
Kancheepuram District.

2.The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District.

3. The Sub Registrar,
Alandur.

+2ccs to Mr.S.Arokia Maniraj, Advocate SR.No.51147

W.P.No.27034 of 2019

PPA (CO)
GMY (18/11/2021)