

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 31529 of 2019

D.Balakumar

..Petitioner

Versus

The District Revenue Officer,
Singaravelar Maligai,
Chennai-600 001.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 05.09.2019.

For Petitioner : Mr.V.Devendhiran

For Respondent : Mr.K.M.D. Muhilan
Government Advocate

O R D E R

This Writ Petition is filed for issuance of writ of mandamus, directing the respondent to consider the petitioner's representation dated 05.09.2019.

2. The case of the petitioner is that the property measuring an extent of 8 grounds and 1886 sqft., comprised in Survey No.85, Block No.2, Puliyur Revenue Village, Egmore-Nungambakkam Taluk, Chennai District, was originally belonged to Mrs.Navaneethammal, who is his grandmother and Patta No.146 granted in favour of the petitioner's grandmother and all the Revenue Records stands in the name of her. After her demise on 04.05.2007, the petitioner's father namely M.Durai, inherited the property and enjoyed the same. After the demise of the petitioner's father on 30.09.2008, the petitioner is inherited the aforesaid property according to the Revenue Records. While that being so, taking advantage of vacant site and the land encroachers made a sub division in the said survey number by using forgery documents as if they are the owners of the property. During the life time of his grandmother viz.,

Navaneethammal, and his father Durai, had not conveyed any piece of land to anybody and therefore, the encroachers had no right to sub divide the said property and the same may be treated as unauthorized sub division in his land comprised in Survey No.85. Therefore, the petitioner made a representation before the respondent/District Revenue Officer to survey the land measuring an extent of 8 grounds and 1886 sqft., comprised in Survey No.85, Block No.2, Puliur Revenue Village, Egmore-Nungambakkam Taluk, Chennai District, and to cancel the sub division made in his land. However, the respondent neither conducted any enquiry nor to cancel the sub division till now. Hence, the petitioner has come forward with the present writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondent to consider the petitioner's representation dated 05.09.2019 and dispose of the same within a stipulated time that may be framed by this Court.

4. 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 petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondent to consider the petitioner's representation dated 05.09.2019 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondent within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msm

To

The District Revenue Officer,
Singaravelar Maligai,
Chennai-600 001.

W.P.No. 31529 of 2019

VBM (CO)
PR (07/10/2021)