



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.10.2021

CORAM:

WEB COPY

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.35797 of 2019

P. Sasikala

... Petitioner

Versus

1. The District Collector,
Thiruvannamalai.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Thiruvannamalai.
3. The Tashildar,
Thandarampattu Taluk, Thiruvannamalai.
4. R.Rajambal
5. R.Rajendran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 25.03.2019 for canceling the patta granted in favour of the respondents 4 and 5 in respect of land in Survey No.144/4C of Radhapuram Village, Thiruvannamalai Taluk and District.

For Petitioner : Mr.R.Janakiram

For RR1 to 3 : Mr.Yogesh Kannadasan
Government Advocate.

For RR4 and 5 : Mr.V.Raghavachari

ORDER

This writ petition has been filed seeking for a direction to the respondents 1 to 3 to consider the representation of the petitioner dated 25.03.2019 for canceling the patta granted in favour of the respondents 4 and 5 in respect of land in Survey No.144/4C of Radhapuram Village, Thiruvannamalai Taluk and District.

2. The petitioner measuring 2400 Sq.ft. comprised in Survey No.144/4C of Radhapuram Village, Thiruvannamalai Taluk



and District, was purchased from (i) Lalbi Ammal, (ii) Elumalai, (iii) Moorthy and (iv) Rajkumar by virtue of registered Sale Deed vide Document No.1155 of 2011, dated 18.04.2011. However, the adjacent land measuring to an extent of 2.46 acres in Survey No.144 was originally belonged to the petitioner's predecessor in title was acquired by the Scheduled Caste Welfare Department for the purposes of granting free house sites schemes to the Adi Dravider community people in the said locality. Subsequently, the said acquisition did not include portion of the lands in Survey No.144/4C along with a well therein and therefore, the petitioner's predecessor in title retained the same under their possession. However, the said land was used as a passage for them to reach the patta land, subsequently, conveyed to the petitioner as stated supra. The petitioner knowing fully well the title and the fact that the land is utilized as passage to reach the patta land since 1984, has purchased the said land. Thereafter, one Ramalingam, Son of Annamalai who seems to have served as an employee of the Village Office, Radhapuram Village, knowing fully well the piece of land in S.No.144/4C left out by the Department for grant of free house sites to Adi Dravidar people, had manipulated the records and obtained patta in favour of his wife and son, the respondents 4 and 5 herein in an unlawful manner. It is pertinent to state that the petitioner's predecessor in title were in possession and enjoyment of the said land for more than 80 years and because of the acquisition proceedings by the Government, they have lost substantial portion of their patta lands. When the petitioner came to know that one Mr.Ramalingam obtained Revenue Patta by misusing his official position in manipulating the records. Therefore, the petitioner sent a representation dated 15.05.2017 to the 1st respondent stating that the above act of the said Ramalingam, to take effective steps to cancel the same and grant Patta in favour of the petitioner, but, no action was taken by the respondents. The above said Ramalingam, taking advantage of the inaction of the respondents, created obstruction on the said land by laying fence around the property, thereby, prevented the smooth passage of ingress and egress by the petitioner and the public. Therefore, the petitioner sent another representation dated 25.03.2019 to the respondents 1 to 3 stating that the above said facts and issue patta in favour of him. Therefore, the respondents 4 and 5 were ordered for enquiry, but, till date, no orders have been passed. Hence, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents 1 to 3 to consider the petitioner's representation dated 02.03.2021 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 respondents 1 to 3 to consider the petitioner's representation dated 25.03.2019 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gba
To

1. The District Collector,
Thiruvannamalai.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Thiruvannamalai.
3. The Tashildar,
Thandarampattu Taluk,
Thiruvannamalai.

+3 ccs to Mr.R.Janakiram, Advocate Sr.NO. 55805
+1 cc to Government Pleader Sr.NO. 56240

W.P.No.35797 of 2019

JPL(CO)
A.SK(07.12.2021)