

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.04.2021
CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.32757 of 2018

M/s.Capital One Housing and Infrastructure
Development Private Limited, rep.by its
Managing Director, Mr.K.R.Jagannathan
No.4, Krishna Street, T.Nagar, Chennai-17.

... Petitioner

-Vs-

- 1.The State of Tamil Nadu
Rep.by its Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai - 600 009.
- 2.The Director-cum-Special Officer
Tamil Nadu Boodhan Board
Chennai - 600 005.
- 3.The Special Secretary
Commissioner of Land Reforms
Tamil Nadu Boodhan Board
Chennai - 600 005.
- 4.The District Collector
Collectorate Complex
Chengalpet Taluk, Chengalpet-603 001.
- 5.The Tahsildar, Kancheepuram District
Kancheepuram - 631 501.
- 6.The Joint-II Sub Registrar
Chengalpattu.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 4th respondent to consider the representation dated 10.08.2018 and notify the 6th respondent to alter the entry of Boomi dhan land in the Revenue records of the aforesaid land.

For Petitioner	:	M/s.Nathan and Associates
For Respondents	:	Mr.N.Inbanathan, Additional Government Pleader- for RR1 to 5 Mr.P.Purushothaman, Government Advocate - for R6

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 4th respondent to consider the representation dated 10.08.2018 and notify the 6th respondent to alter the entry of Boomidhan land in the Revenue records of the aforesaid land.

2. The case of the petitioner is that, land to the extent of 4.19 cents in S.No.734/2 situated in Athur, Mathura, Thimmavaram Village, Kattankolathur Panchayat Union, Chengalpet Taluk, Kancheepuram District, is claimed to have been purchased from one D.Subramanian on 28.12.2005 vide Sale Deed No.12254/2005 registered at Chengalpet SRO. Since then the property has been in possession and enjoyment of the petitioner. Thereafter, the petitioner, along with the said property with some other properties, seems to have developed a layout and the entire land had been plotted out and when the said lands were sold and the sale deed was brought to the Registration Office ie., the sixth respondent, it seems that, an objection was raised by the Registration Department that, the land in question had been recorded in the 'A' Register as Boomidhan land, and therefore it cannot be registered.

3. However, subsequently with all the relevant documents to establish the fact that, the land does not come under the category Boomidhan land, the petitioner has given a representation to the second respondent with a copy marked to the other respondents on 10.08.2018. However, since no action so far has been taken on the said request made by the petitioner, he has approached this Court with the aforesaid prayer.

4. Heard the learned counsel for the petitioner, who, after having reiterated the aforesaid facts, would seek the indulgence of this Court to give suitable direction to the respondents especially the second respondent and fifth respondent to act upon the representation of the petitioner dated 10.08.2018 and to pass orders thereon on merits within a time frame.

5. On the other hand, Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents would submit that, the representation has been addressed by the petitioner to the second respondent. However, the matter has to be looked into only by the fifth respondent, who is the Tahsildar to see whether the land in question has been categorized as Bhoomidhan land or otherwise. In this regard it is admittedly the claim of the petitioner that the land in question has been given patta, and also chitta and adangal have also been issued in favour of the petitioner. Learned Additional Government Pleader submits that, those documents, if at all are produced along with the representation, the same would be considered and appropriate orders would be passed within a time frame.

6. Considering the said submissions made by the learned counsel for both the parties and after having gone through the materials placed before this Court, I am of the view that, a direction can be given to the respondents especially to the fifth respondent to look into the representation of the petitioner dated 10.08.2018 as a copy of which has been marked to all the respondents including the fifth respondent along with annexure including the patta, chitta and adangal and after giving an opportunity of being heard to the petitioner, a decision can be taken by the fifth respondent with regard to the plea raised by the petitioner.

7. In that view of the matter, this writ petition is disposed of with the following order. That the fifth respondent is directed to consider the representation of the petitioner dated 10.08.2018 along with the annexures and after affording an opportunity of being heard to the petitioner, let the fifth respondent decide the representation of the petitioner on merits and in accordance with law and pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai - 600 009.
- 2.The Director-cum-Special Officer
Tamil Nadu Boodhan Board
Chennai - 600 005.
- 3.The Special Secretary
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- 4.The District Collector, Collectorate Complex
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- 5.The Tahsildar, Kancheepuram District
Kancheepuram - 631 501.
- 6.The Joint-II Sub Registrar, Chengalpattu.

+1cc to M/s.Nathan & Associates, SR.NO..23267

+1cc to The Government Pleader SR.NOs..23363 and 23665

AKM/22.04.21/3P-9C/

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