



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.02.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1880 of 2022

M. Nagalakshmi,
W/o. Munusamy
Rep by her POA
K. Faizal Rashid
S/o.Janab Khaja Mydeen

... Petitioner

Vs

1. The Commissioner,
Land Administration,
2nd Floor, Ezhilagam,
Chepauk, Chennai-600 005.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider and dispose of the petitioner's representation dated 15.11.2021 within the time frame fixed by this Court.

For Petitioner ... Ms. R.Revathy

For Respondents ... Mr.G.Nanmaran,

Special Government Pleader.

O R D E R

The present petition has been filed seeking a direction to the 1st respondent to dispose of the representation dated 15.11.2021 made by the petitioner within the time stipulated by this Court.

2. Mr. Nanmaran, learned Special Government Pleader takes notice for the respondents.

3. It is the case of the petitioner that the disputed property to an extent of 2.07 acres was jointly enjoyed by the said Thavasikonar and his brother Thillaikonar, out of which, an extent of about 71 cents was sold to M/s. Rameswaram Cements



Limited in the year 1964. Since, the petitioner is the only surviving legal heir of said Thavasikonar, after the sale of said property, the petitioner is in possession of the remaining property to an extent of about 96.5 cents. While being so, the petitioner had appointed one K.Faizal Rashid as power of attorney for the said property vide registered Document No.74 of 2021 dated 12.01.2021. When the petitioner came to know that the Rameshwaram Cements had been granted UDR patta for the entire extent and the said patta was transferred to Rameshwaram Municipality by way of gift deed, the petitioner made a representation dated 15.02.2021 before the 2nd respondent seeking cancellation of patta. Since, the same was not considered, the petitioner made another representation dated 15.11.2021 before the 1st respondent. However, till date, the same has not been considered. Hence, the present petition has been filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st respondent herein to consider the representation dated 15.11.2021 made by the petitioner and dispose of the same on merits within the time stipulated by this Court.

5. Learned Special Government Pleader appearing for the respondents submits that though the learned counsel for the petitioner claims cancellation of UDR patta granted in favour of the M/s Rameshwaram Cements, however, the said patta was granted in the year 1964 and if the petitioner has any grievance, the petitioner should have claimed cancellation of the said patta at that point of time itself. Without doing so, after a lapse of more than three decades, making representation for cancellation of the patta before the 1st respondent is not sustainable. Further, the 2nd respondent is the competent authority to consider the representation of the petitioner. While being so, making a representation to the 1st respondent is wholly impermissible. Hence, the prayer sought for in this Writ Petition cannot be acceded to and this Writ Petition is liable to be dismissed.

6. Heard the learned counsel on the either side and perused the materials available on record.

7. A careful perusal of the materials available on record reveals that the property under dispute was sold to Rameshwaram Cements in the year 1964 and UDR patta was also granted in favour of said Rameshwaram cements.

8. Though the learned counsel for the petitioner claims for limited relief of direction to the 1st respondent to



consider the representation dated 15.11.2021 made by the petitioner, however, in view of the stand that the 2nd respondent is the competent authority to consider the petitioner's representation and the representation should have been made before the 2nd respondent who is the competent authority and not before the 1st respondent. Even though the representation has been made before the 1st respondent, however, the fact remains that UDR Patta was granted in favour of Rameshwaram Cements as back as in the year 1964. However, no steps have been taken by the petitioner for over three decades and coming before this Court after three decades seeking cancellation of patta does not merit acceptance, as no justifiable reason has been given by the petitioner for his belated approach to the Court. Even otherwise the representation was made before the 1st respondent for the first time only in the year 2021. Therefore, after a lapse of more than three decades and without justifiable reason, acceding to the petitioner would not be justified. Hence, the prayer sought for in this Writ Petition cannot be granted and this Writ Petition deserves to be dismissed.

9. Accordingly, this Writ Petition is dismissed. However, it is open to the petitioner to file appropriate application either before the 2nd respondent nor before competent Civil court the same shall be considered in accordance with law. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Commissioner,
Land Administration,
2nd Floor, Ezhilagam,
Chepauk, Chennai-600 005.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram District.

+1cc to the Government Pleader SR.No.8680

W.P.No.1880 of 2022

AJS (CO)
GN(21/03/2022)