



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.7740 OF 2022

S.N.Damani Infra Private Limited,
Represented by its
Authorised signatory Mrs.S.Kalyani,
Having its office at :
New No.19(8), Rajarathinam Street,
Kilpauk, Chennai - 600 010.

... Petitioner

.Vs.

1. The Commissioner,
Commissioner of Land Reforms,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The District Revenue Officer,
Office of the Collector,
1st Floor, Thiruvallur District,
Thiruvallur - 602 001.
3. The Tahsildar,
Poonamallee Taluk,
Ettima Nagar, Poonamallee,
Chennai - 600 056.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioners recent representation dated 02.03.2022 seeking for disposal of the review petition dated 14.02.2018 by affording the opportunity to make their submissions in respect of the lands in S.No.402/1G to a extent of 0.98.5 Ares situated at Kuthambakkam Village, Poonamallee Taluk, Thiruvallur District.

For Petitioners : Mr.J.D.Srikanth Varma

For Respondents : Mr.V.Veluchamy
Additional Government Pleader



O R D E R

This Writ Petition has been filed to direct the second respondent to consider the petitioners recent representation dated 02.03.2022 seeking for disposal of the review petition dated 14.02.2018 by affording the opportunity to make their submissions in respect of the lands in S.No.402/1G to a extent of 0.98.5 Ares situated at Kuthambakkam Village, Poonamallee Taluk, Thiruvallur District.

2. The case of the petitioner is that the petitioner is the owner of the property comprised in Survey Nos.402/1C2, 402/1E2, 402/1F2B, 402/1H, 402/1J & 402/1G situated at Kuthambakkam Village, Poonamallee Taluk, Thiruvallur District. The said property originally owned by one Varadharamanujalu. Thereafter, the said Varadharamanujalu, along with his sons, entered into a partition deed dated 14.11.1975 registered vide document No.2256 of 1975. After demise of the said Varadharamanujalu, his legal heirs inherited the property and sold the property in favour of S.N.Damani Infra Private Limited, the petitioner herein, by way of sale deed dated 17.06.2006 vide document No.5555 of 2006 registered on the file of the SRO, Avadi. From the date of sale, the petitioner/Company is in possession and enjoyment of the same and had obtained patta in Patta No.790 from the revenue authorities. Thereafter, the petitioner/Company developed the said property by constructing warehouse industry in the said land and obtained approved sanction plan from the CMDA vide Sanction Letter No.69354/2010 dated 06.05.2010.

3. While so, to their shock and surprise, they received a letter from the third respondent on 05.05.2017 stating that in view of the Check Memo dated 27.05.1954, the property situated in Survey No.402/1G to an extent of 0.98.5 ares was donated to 'Bhoomidhan Board' by the said Varadharamanujalu on 27.05.1954. Thereafter, an enquiry was conducted by the second respondent, in which the petitioner participated and submitted their objections. However, by proceedings dated 26.09.2017, the second respondent without consider the petitioner's submission and rejected the same. Aggrieved by the said proceedings, the petitioner filed a review petition before the second respondent dated 14.02.2018. However, till date the review petition was not disposed of by the second respondent.

4. The learned counsel for the petitioner submitted that this Court may issue a direction to the second respondent to dispose of the review petition filed by the petitioner within a reasonable time.



5. Heard, the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case, the petitioner claimed that they purchased the property from the legal heirs of Varadharamanujalu in the year 2006. The present dispute is only in respect of Survey No.402/1G, wherein the petitioner claimed that they purchased the property by valuable sale consideration from the legal heirs of Varadharamanujalu vide sale deed dated 17.06.2006. It is also an admitted fact that the revenue authorities transferred the patta in the name of the petitioner/Company. Thereafter, on complaint, the Tahsildhar conducted an enquiry and forwarded a report to the second respondent.

7. After perusing the entire records, it is seen that the land in Survey No.402/1G to an extent of 0.98.5 ares was donated by Varadharamanujalu on 27.05.1954. However, the said Survey No.402/1G was assigned in favour of one Subbaiyan and Jaganathan to an extent of 1.22 acres through 'Bhoomidhan' and also assigned the patta in Patta No.747. However, UDR scheme inadvertently granted patta in favour of the petitioner's vendor and subsequently transferred in the name of the petitioner and accordingly, the second respondent cancelled the patta issued in favour of the petitioner. Again the petitioner filed a review petition before the second respondent. However, there is no provision available to entertain the review petition filed by the petitioner. If at all, the petitioner is aggrieved, the remedy is to challenge the order before the appellate authority in the manner known to law.

8. In view of the above, without challenging the rejection order passed by the second respondent, dated 26.09.2017, filing of writ petition is not sustainable. Therefore, the prayer sought for in this writ petition cannot be granted. However, liberty is granted to the petitioner to work out their remedy in the manner known to law.

9. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lpp



To

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Ezhilagam, Chepauk,
Chennai - 600 005.
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3. The Tahsildar,
Poonamallee Taluk,
Ettima Nagar, Poonamallee,
Chennai - 600 056.

+1cc to Mr.J.D.Srikanth Varma, Advocate, S.R.No.22653
+1cc to the Government Pleader, S.R.No.25090

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PA (CO)
PBS/25/05/2022