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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.9389 of 2022 and
W.M.P.Nos.9135, 9140, 9143, 9144, 9151,9152 of 2022

V.Krishnamurthy

...Petitioner

vs.

1. The District Collector,
O/o. the District Collector,
Chennai Collectorate,
Singaravelar Maligai,
Rajaji Salai, Chennai - 600 001.
2. The District Collector,
O/o. the District Collector,
Thiruvallur District, Thiruvallur.
3. The Assistant Director,
Department of Geology and Mines,
Thiruvallur, Thiruvallur District.
4. The District Environmental Engineer,
O/o. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Thiruvallur District, Thiruvallur.
5. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer cum presiding Officer,
Senior Citizen Welfare Tribunal,
Chennai North,
Thiruvottiyur High Road,
Thondiarpet, Chennai - 600 081.
6. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer cum presiding Officer,
Senior Citizen Welfare Tribunal,
Chennai Central,
Anna Nagar West Extension,
Chennai - 600 040.



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7. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Ponneri Division, Ponneri,
Thiruvallur District.
8. The District Registrar,
North Chennai Registering District,
Kuralagam, Chennai - 600 104.
9. The Sub-Registrar,
Sub-Registrar Office,
Tiruvottiyur, Chennai - 600 019.
10. The Tahsildar
Ponneri Taluk,
Ponneri, Thiruvallur District.
11. The Commissioner of Police,
Avadi City Police,
Avadi, Chennai - 600 054.
12. The Deputy Commissioner of Police,
Avadi City Police,
Redhills, Chennai - 600 052.
13. State Rep. by
The Inspector of Police,
Manali New Town Police Station,
Manali New Town, Chennai - 600 103.
14. Devan.E
15. S.Rajinikanth
16. K.Dinesh Kumar
17. D.Manju Barghavi
18. K.Preethi
19. S.Rajendran ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 9th and 10th respondents to cancel the Sale Deed dated 22.10.2021 registered as Document No.8935/2021, which was registered in favour of the 19th respondent and the Pattas issued in Patta Nos.1078 dated 15.03.2022 in favour of the 17th respondent, vide Patta No.1079 dated 15.03.2022 in favour of 18th respondent, vide Patta No.1080 dated 15.03.2022 in favour of 19th respondent and vide Patta



No.1081 dated 16.03.2022 in favour of 17th respondent again respectively after conducting the enquiry in respect of land measuring Acres 15.12 cents out of Acre 23.28 cents in S.No.79/1, S.No.80/2, S.No.83/2, S.No.88/2, S.No.89, S.No.92 of Vellivoyal Village, Ponneri Taluk, Thiruvallur District.

For Petitioner : Mr.A.Prakash
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for RR1 to 13

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the 9th and 10th respondents to cancel the Sale Deed dated 22.10.2021, registered as Document No.8935/2021, which was registered in favour of the 19th respondent and the Pattas issued in Patta Nos.1078 dated 15.03.2022 in favour of the 17th respondent, vide Patta No.1079 dated 15.03.2022 in favour of 18th respondent, vide Patta No.1080 dated 15.03.2022 in favour of 19th respondent and vide Patta No.1081 dated 16.03.2022 in favour of 17th respondent respectively, after conducting enquiry in respect of land measuring Acres 15.12 cents out of Acre 23.28 cents in S.No.79/1, S.No.80/2, S.No.83/2, S.No.88/2, S.No.89, S.No.92 of Vellivoyal Village, Ponneri Taluk, Thiruvallur District.

2. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

3. The case of the petitioner is that he is the owner of the property in S.Nos.79/1, 80/2, 83/2, 90/1, 90/2, 88/1, 88/2, 89, 91/1, 91/2, 92 of an extent of 23 Acres 28 cents situated at Vellivoyal Village. The petitioner had two sons and a daughter. On 02.07.2009, the petitioner executed settlement deed in favour of his wife and 3 children. After execution of the same, Pattas were issued in favour of the respondents 16 to 18 and the revenue records were mutated respectively. Since there was an error in the above said settlement deeds executed in favour of the respondents 16 and 18 and as they failed to take care of the petitioner's interest, the petitioner made an application dated 06.07.2021 before the 1st respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Thereafter, the 1st respondent forwarded the same to the 5th respondent, who conducted an enquiry dated 25.03.2022 and informed the petitioner that his petition will be transferred to the 6th respondent for further enquiry. Since the 6th respondent has not concluded the same, the petitioner has filed the present Writ Petition seeking the aforesaid relief.



4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 6th respondent to conclude the enquiry notice dated 25.03.2022 and pass orders on merits within a particular time frame to be fixed by this Court.

5. The learned Special Government Pleader appearing for respondents 1 to 13 has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the 6th respondent to conclude the enquiry notice dated 25.03.2022 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner as well as the private respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

8. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

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O/o. the District Collector,
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O/o. the District Collector,
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13. The Inspector of Police,
Manali New Town Police Station,
Manali New Town, Chennai - 600 103.

+1cc to Mr.A.Prakash, Advocate, Sr.No.26273

+1cc to Government Pleader, Sr.No.27311(06/06/2022)

W.P.No.9389 of 2022

SPD(CO)
KKV/21/04/2022