



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8840 of 2022

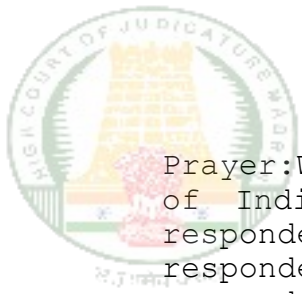
E.Harigovindan

...Petitioner

Vs.

1. The Commissioner for
Land Administration,
Chepauk, Chennai - 600 005.
2. The Commissioner,
Survey and Settlement Department,
Chepauk, Chennai - 600 005.
3. The Settlement Officer,
Survey and Settlement office,
3rd Floor, Chepauk,
Chennai - 600 005.
4. The Assistant Settlement Officer - South,
Survey Settlement Office,
Chepauk, Chennai - 600 005.
5. The Settlement Tahsildar,
Attur Town Taluk Office,
Attur, Salem District - 636 102.
- 6.Naresh Kumar
- 7.Geethesan
- 8.Hema Elayarwar
- 9.Alamelu
- 10.Vijayalakshmi
- 11.N.Ambujam
- 12.S.Rajaram
- 13.R.Mohan Ranganathan
- 14.R.Gokula Kannan
- 15.R.Mala

...Respondents



Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to issue statutory notice to the petitioner and respondents No.8-15 on the appeal preferred by the seventh respondent Geethesan and sixth respondent Naresh Kumar, in file no.I1/5104 Appeal dated 04.10.2021, on the basis of the petitioner's petition in file no.2314/2022 dated 24.03.2022 and pass orders after affording an opportunity of hearing in accordance with law by considering the Circular of the first respondent in K3/27160/2008 dated 13.03.2018.

For petitioner : Mr.S.N.Subramani

For Respondent : Mr.P.Sathish
Additional Government Pleader

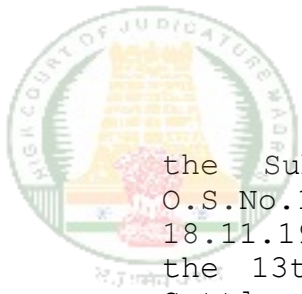
ORDER

The petitioner has filed this petition seeking direction to the second respondent to issue statutory notice to the petitioner and respondents No.8-15 on the appeal preferred by the seventh respondent and sixth respondents, in file no.I1/5104 Appeal dated 04.10.2021, on the basis of the petitioner's petition in file no.2314/2022 dated 24.03.2022 and pass orders after affording an opportunity of hearing in accordance with law by considering the Circular of the first respondent in K3/27160/2008 dated 13.03.2018.

2.Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents 1 to 5. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3.Since, no adverse order is being passed against the respondents 6 to 15, notice to respondents 6 to 15 is dispensed with.

4.The case of the petitioner is that the disputed property originally owned by the petitioner's grand-father/Kesavalu Naidu. The said Kesavalu Naidu did not have child. He adopted petitioner's father/Elaiyalwar Naidu, as he is the adopted child, all the properties were handed over to petitioner's father. The petitioner's father was born in the year 1927, when he reached the age of 17, he was married to Yasodha and he had two daughters. Thereafter, petitioner's father married to petitioner's mother as second wife and he had three children. Thereafter, petitioner's father filed a Divorse petition before



the Sub Court, Salem, against his first wife/Yasodha in O.S.No.138 of 1967 and an exparte decree was passed on 18.11.1967. Thereafter, several litigations were filed. Finally, the 13th respondent made an application before the Assistant Settlement Officer, and the said Assistant Settlement Officer cancelled the patta issued by the Settlement Tahsildar on 08.09.2014 and ordered that the lands in S.Nos.21,22,40, 41, 42, 48, 69 & 71 measuring total extent of 13747 sq.mtrs in Attur Village and Taluk, Salem District shall continue to be registered in the name of original owner until the issue on title to the property is finally decided by Attur, Kallakurichi and Salem Courts. Challenging the same, the seventh respondent had filed an appeal before the third respondent on 16.10.2020, after adjudication, the third respondent passed orders on 15.07.2021, against which the seventh respondent preferred appeal before the second respondent. However, the seventh respondent without adding petitioner as a party filed an appeal. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

5.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the second respondent to issue statutory notice to the petitioner and to respondents 8 to 15 on the appeal filed by the seventh respondent on the basis of the petitioner's petition dated 24.03.2022.

6.The learned Additional Government Pleader appearing for the respondents submits that the petitioner's petition dated 24.03.2022 will be considered by the respondents within the time frame that may be fixed by this Court.

7.In view of the aforesaid submissions, this Court inclined to issue direction to the second respondent to issue statutory notice to all the aggrieved parties, including the petitioner and respondents 8 to 15 and pass appropriate orders on the appeal filed by the seventh respondent in file no.I1/5104, dated 04.10.2021 as expeditiously as possible.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

tri/mn



To

1. The Commissioner for
Land Administration,
Chepauk, Chennai - 600 005.
2. The Commissioner,
Survey and Settlement Department,
Chepauk, Chennai - 600 005.
3. The Settlement Officer,
Survey and Settlement office,
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4. The Assistant Settlement Officer - South,
Survey Settlement Office,
Chepauk, Chennai - 600 005.
5. The Settlement Tahsildar,
Attur Town Taluk Office,
Attur, Salem District - 636 102.

+10cc to M/s.S.N.Subramani, Advocate, S.R.No.24332

+1cc to the Government Pleader, High Court, Madras, S.R.No.24909

W.P.No.8840 of 2022

GP (CO)
RGA (27/04/2022)