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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.11005 OF 2022

Dhatchanamoorthy

... Petitioner

.Vs.

1. The District Collector,
Ranipet District Collectorate,
Kellys Road, Navalpur,
Ranipet - 632 401.
2. The Director,
Directorate of Vigilance and
Anti-Corruption (DVAC),
No.293, M.K.N. Road,
Alandur,
Chennai - 600 016.
3. The District Registrar,
District Registrar Office Arakkonam,
Integrated Complex,
4th Gandhi Road,
Bazar Street, (Near Market)
Arakkonam - 631 001.
4. The District Revenue Officer,
Arakkonam Taluk,
Ranipet.
5. The Tahsildar,
Arakkonam Taluk,
Ranipet.
6. Ms.Uma,
Village Administrative Officer,
Chitteri Village and Post,
Arakkonam Taluk,
Ranipet District.

... Respondents



PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th and 5th respondent herein to implement the orders passed by the 1st respondent in proceedings in O.Mu.C3/1513/2022/dated 22/02/2022 based on the letter issued by the 2nd respondent in proceedings No.1071/2022/REV/RP/dated 01/02/2022 and thereby consider the representation made by the petitioner on 31/03/2022.

For Petitioner : Mr.H.Lucia Priyadharshini

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeking issuance of Writ of Mandamus, directing the 4th and 5th respondent herein to implement the orders passed by the 1st respondent in proceedings in O.Mu.C3/1513/2022/dated 22/02/2022 based on the letter issued by the 2nd respondent in proceedings No.1071/2022/REV/RP/dated 01/02/2022 and thereby consider the representation made by the petitioner on 31/03/2022.

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

3. The case of the petitioner is that the property in S.No.248/24A (Old S.No.226) of an extent of 8525 sq.ft situated in Attupakkam Village, Arakkonam Taluk, Nemali SRO, Vellore District was owned by the petitioner and Patta was issued vide Patta No.115 dated 26.05.1994 to him. When that being so, one Subramani, who was the adjacent land owner in S.No.248/23 (Old S.No.226-part), executed a sale deed to an extent of 900 sq.ft in favour of the petitioner. Thereafter, the said Subramani obtained fabricated Joint Patta in his name and the petitioner's name from the sixth respondent/VAO with an intention to grab the property belonging to the petitioner. Subsequently, the said Subramani executed a settlement deed to an extent of 232 sq.mts in favour of his son one Rajesh in Doc.No.578 of 2020, dated 18.03.2020.



4. Thereafter, the said Rajesh filed a suit in O.S.No.160/2021 on 16.08.2021, seeking declaration of the entire property of the petitioner and the same was dismissed by the learned Subordinate Judge, Arakkonam on 29.03.2022. Thereafter, the petitioner made a representation dated 22.07.2021 before the third respondent, seeking to cancel the document registered by the said Subramani in favour of his son and the same was forwarded to the fifth respondent for verifying the genuineness of the Joint Patta issued in favour of the said Subramani. The fifth respondent vide Na.Ka.B2/192/2022, dated 12.02.2022, replied that no such orders were passed by the fifth respondent for changing the entireties in the revenue records.

5. Thereafter, the petitioner filed a complaint against the sixth respondent before the second respondent on 24.01.2022, based upon the complaint, the second respondent forwarded the same to the first respondent vide proceedings in Petition No.1071/2022/REV/RP. On receipt of the same, the second respondent issued direction to the fourth and fifth respondents vide proceedings in O.Mu.C3/1513/2022, dated 22.02.2022, to initiate necessary action as against the sixth respondent. Since, the same was not considered by both the respondents, the petitioner made another representation dated 31.03.2022 before the first respondent. However, till date, no order has been passed on the petitioner's representation. Hence, this Writ Petition has been filed.

6. 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 fourth and fifth respondent to consider the petitioner's representation dated 31.03.2022 and implement the order dated 22.02.2022 of the first respondent and pass orders on merits within a particular time frame to be fixed by this Court.

7. The learned Additional Government Pleader appearing for respondents has no objection for said order being passed.

8. Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the fifth respondent to consider the petitioner's representation dated 31.03.2022 and implement the order of the first respondent, dated 22.02.2022 if there is no legal impediment and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, sixth respondent and one Subramani, who is



not made as a party in this Writ Petition, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

anu/mp

To

1. The District Collector,
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The Directorate of Vigilance and
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5. The Tahsildar,
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6. Ms.Uma,
Village Administrative Officer,
Chitteri Village and Post,
Arakkonam Taluk,
Ranipet District.

+1cc to Mr.H.Lucia Priyadharshini, Advocate, S.R.No.29568
+1cc to the Government Pleader, S.R.No.30916

W.P.NO.11005 OF 2022

SR(CO)
PBS/20/05/2022