



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.12172 OF 2022

AND

W.M.P.NO.11623 OF 2022

M.S.Geetha

... Petitioner

Versus

1. The District Revenue Officer
Ranipet District,
Ranipet.
2. The Revenue Divisional Officer,
Arakkonam,
Ranipet District.
3. The Tahsildar,
Arakkonam Taluk,
Arakkonam,
Ranipet District.
4. The Sub Registrar,
Arakkonam Sub Registrar Officer,
Arakkonam,
Ranipet District.
5. P.Kumar
6. R.Lakshman Prasath
7. Kamalakannan

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS directing the first respondent to dispose of the petitioner's representation dated 12.11.2021 and consequently forbearing the 4th respondent from registering any document till the disposal of the said representation relating to the lands in S.Nos.250/2A - 0.2 Ares and 244/4 - 0-28.50 Ares situated at Thandalam Village, Arakkonam Taluk, Ranipet District.



WEB COPY

For Petitioner : Mr.V.Balaji

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the first respondent to dispose of the petitioner's representation dated 12.11.2021 and consequentially forbear the fourth respondent from registering any document till the disposal of the said representation in respect of the lands comprised in S.Nos.250/2A - 0.2 Ares and 244/4 - 0.28.50 Ares situated at Thandalam Village, Arakkonam Taluk, Ranipet District.

2. The case of the petitioner is that her mother Sarasammal owned several properties situated at Kainoor, Melpakkam and Thandalam Villages. She bequeathed her properties to the petitioner and her sister through a registered Will dated 27.06.2007. The petitioner's mother died on 09.11.2016 and therefore, the Will was acted upon. As per the Will, the petitioner took possession of the lands allotted to her, in which she obtained layout approval in the year 2006 and started to alienate the properties to the third parties.

3. It is the further case of the petitioner that the lands adjoining her properties, in S.Nos.244/4, 250/2A, 265, 264, 263, 196, 197, 201, etc. are classified as 'Channel Poramboke' in the revenue records and they serve as water bodies to flow from Citheri Village leading to Thandalam Village lake. However, during UDR Scheme, the lands in Survey Numbers in S.Nos.244/4 and 250/2A were wrongly classified as 'Punjai Anadeenam', instead of 'Channel Poramboke'. But, the field map still shows the existence of channel in the said survey numbers. The petitioner claims that the 5th respondent manipulated the Revenue records in connivance with the 3rd respondent and managed to get patta bearing No.285 in respect of the land in S.No.250/2A - 2 Ares (5 cents) in his favour on 27.09.2021 and executed a registered sale deed dated 27.09.2021 in favour of the 6th respondent. According to the petitioner, the name of the 5th respondent was over typed in Patta No.285, unlike other pattas issued by the 3rd respondent, which shows that it is a fraudulent one. Similarly, the 7th respondent managed to get patta bearing No.553 in connivance with the 3rd respondent, in respect of Survey No.244/4 - 0.28.50 Ares (70 cents), by wrongly classifying the said land as 'Anadeenam' instead of 'Channel Poramboke'. On coming to know such fraudulent manipulations committed by the respondents 5 to 7, the petitioner submitted a representation dated 12.11.2021 to the respondents 1 to 3 and



various other authorities, to cancel the sale deed and the pattas issued in favour of the 5th to 7th respondents. The respondents 1 and 2 forwarded the said representation to the 3rd respondent vide letters dated 14.12.2021 and 08.12.2021 respectively with a direction to conduct an enquiry and submit a report. Despite the same, the 3rd respondent has not conducted any enquiry against the erring officials so far, based on the representation submitted by the petitioner. Hence, this writ petition.

4. The learned counsel appearing for the petitioner submitted that the respondents 5 to 7 are neither the original pattadhars nor they are the residents of Thandalam Village. Till date, there is a water channel running in the said lands in S.Nos.244/4 and 250/2A, through which, the water from Citheri Village flows to Thandalam Village lake and the agriculturalists are using the same for their cultivation. While so, the 6th and 7th respondents, based on the illegal pattas bearing Nos.285 and 553 respectively obtained in their names, are trying to alienate the properties to third parties. Hence, the learned counsel prayed for appropriate direction to the respondents 1 and 3 to conduct an enquiry and further direction to the registering authorities not to entertain any document for registration in respect of the said survey numbers, so as to protect the water body from being encroached, by considering the petitioner's representation.

5. Mr.A.M.Ayyadurai, learned Government Advocate, who takes notice for the respondents 1 to 4, fairly submitted that the representation dated 12.11.2021 submitted by the petitioner would be considered by the competent authorities within a time period to be fixed by this Court.

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

7. Taking note of the facts and circumstances of the case coupled with the submissions made by the learned counsel for the petitioner, more particularly that water channels are attempted to be encroached by private parties, this Court, in the interests of the public at large and also to avoid multiplicity of proceedings, directs the 1st respondent to consider the representation of the petitioner dated 12.11.2021, and dispose of the same, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, the respondents 5 to 7 as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order. If it is found that any of the lands in S.Nos.244/4 and 250/2A is/are connected to the water channel as alleged by the petitioner, the registering authority shall not



entertain any document for registration in respect of the same till the disposal of the said representation by the first respondent.

8. With this direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

mkn/rsh

To

1. The District Revenue Officer,
Ranipet District,
Ranipet.
2. The Revenue Divisional Officer,
Arakkonam,
Ranipet District.
3. The Tahsildar,
Arakkonam Taluk,
Arakkonam,
Ranipet District.
4. The Sub Registrar,
Arakkonam Sub Registrar Officer,
Arakkonam,
Ranipet District.

+1cc to the Government Pleader, S.R.No.31270

W.P.NO.12172 OF 2022

JPL(CO)
PBS/20/05/2022