

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.4266 OF 2016

Tmt.K.Dhanalakshmi

... Petitioner

Vs.

1. The Tahsildar,
Madhavaram, Thiruvallur District.

2. R.Bhakiaraj

3. The Federal Bank Ltd.,
54-55, North Usman Road,
T.Nagar, Chennai 600 017.

... Respondents

PRAYER:

This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus to direct the 1st respondent to dispose of the petitioner's complaint in reference No.Na Ka 10836/2011/A1 dated 12.01.2012 on the file of the 1st respondent and pass order to conduct appropriate enquiry based on the representation dated 23.01.2012 to decide validity of patta issued in favour of the 2nd respondent at the earliest and to take action for the fraudulent conduct of the persons who indulge in fabricating and transferring the records pertaining to the property unconnected with the 2nd respondent.

For Petitioner : Mr.K.Balaji

For Respondent 1 : Mr.G.Krishna Raja
Additional Government Pleader

Order

The petitioner has filed this petition for issuance of writ of Mandamus to direct the 1st respondent to dispose of the petitioner's complaint in reference No.Na Ka 10836/2011/A1 dated 12.01.2012 on the file of the 1st respondent

2. The case of the petitioner is that the land measuring about 23 cents in survey number 87 in Puzhal Village, Thiruvalur District, belongs to the petitioner by virtue of a registered Sale Deed dated 30.08.1978 and thereby he is in possession and enjoyment. Further the petitioner gave power of attorney to one Mr.Bhakiaraj, in respect of the land in S.F.No.100/1 measuring about 1.18 acres, however the said person without any authority to deal with the said lands in S.F.No.87, have embarked on the said property and therefore, the petitioner has cancelled the said power of attorney. However taking advantage of the power of attorney, which was not in subsistence, approached the revenue authority to change the records pertaining to the lands belongs to the petitioner and the 1st respondent also without conducting any proper enquiry obliged to the request of the 2nd respondent. Thereafter, 1st respondent chosen to conduct the enquiry proceedings and sent notice for the presence of the parties on 19.01.2012, however, the said notice was not reached on time and hence, the petitioner has submitted a representation dated 23.01.2012, despite receipt of the said complaint, the 1st respondent has not taken any action. Aggrieved by the same, the petitioner is before this Court.

3.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to conclude the enquiry proceedings, based on the petitioner's complaint dated 12.01.2012 and pass orders on the same within a particular time frame fixed by this Court.

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

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent to conclude the enquiry proceedings, based on the petitioner's complaint dated 12.01.2012, after affording opportunity to the petitioner as well as the private respondents and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is ordered.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

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Sub Assistant Registrar

To

1. The Tahsildar,
Madhavaram, Thiruvallur District.

+1cc to Mr.K.Balaji, Advocate, S.R.No.36372
+1cc to the Government Pleader, S.R.No.37687

W.P.No.4266 of 2016

PL(CO)
PM/15/07/2022