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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6917 of 2014

J.Anitha

...Petitioner

Vs.

1.The District Collector,
Collector Office Compound,
Thiruvallur, Thiruvallur District.

2.The Revenue Divisional Officer,
Ambattur, Tiruvallur District.

3.The Tahsildar,
Madhavaram Taluk, Chennai 600 060.

4.The Deputy Tahsildar (Land),
Madhavaram, Chennai 600 060.

...Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ or direction or order more particularly in the nature of Writ of Mandamus directing the respondents to re-survey the survey No. 450/ 2B10A and cancel the forged patta No.4662 in existence and take necessary action to retrieve the petitioner share of 145.33 sq.ft. of land on the basis of the enquiry conducted by the 3rd respondent on 27.6.2013 in Puzhal Village, Thiruvallur District, based on the representation dated 16.1.2014 given by petitioner to the respondents herein.

For Petitioner : Mr.Vijay Anand

For Respondents : Mr.Yogesh Kannadasan

Special Government Pleader

O R D E R

Writ Petition has been filed for issuance of writ of Mandamus to direct the respondents to re-survey the survey No. 450/ 2B10A and cancel the forged patta No.4662 in existence and take necessary action to retrieve the petitioner share of 145.33



sq.ft. of land on the basis of the enquiry conducted by the 3rd respondent on 27.6.2013 in Puzhal Village, Thiruvallur District, based on the representation dated 16.1.2014 given by petitioner to the respondents herein.

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2. The case of the petitioner is that the petitioner's husband family and 11 other ancestral families are belongs to Adi-Dravidar Community and working as labourers in the agricultural lands and in the house of one late Loganatha Mudaliar and on the request of the petitioner and other 11 family families, the said Loganatha Mudaliar permitted them to stay in the land in S.F.no.450/2 of Puzha Village, Thiruvallur District. Thereafter, the said land was purchased by one Mr.P.M.Durairaj admeasuring to an extent of 2 acres 16 cents from late Loganatha Mudaliar @ Munusamy Mudaliar and all the 12 families including the petitioner's family complained with the village panchayat to resolve the dispute over the property and subsequently the said P.M.Durairaj, agreed to give 36 cents of land in Eastern side to all the 12 families out of the total extent of 2 acres 16 cents and thereby the petitioner is entitled to 145.33 sq.ft of land of her husband's share. While being so, suddenly some shareholders of the said land tried to illegally take over the possession of some cents of land by creating forged documents and on knowing the same, all the families strongly opposed them and lodged a complaint against them before the police.

3. It is further alleged by the petitioner that originally there was a joint patta in the name of late Charles Wesley, who was the son of late Durairaj and one late Pavalakodi. Thereafter, to the shock and surprise, the joint patta is being transferred as a single patta in the sole name of late Pavalakodi. Hence, the petitioner given a detailed representation to the respondents on 21.05.2013 to order for enquiry and re-survey the S.F.NO.450/2B10A and cancel the forged patta in the name of the said Pavalakodi and to take necessary action to retrieve his share of 145.33 sq.ft of land and thereafter, the Tahsildar, Madhavaram, have conducted a due enquiry on 27.06.2013, however from the date of the enquiry, no orders were passed by the authorities concerned till date. Aggrieved by the same, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the 4th respondent to conclude the enquiry and pass appropriate orders, within a stipulated time as fixed by this Court.



5. The learned Special Government Pleader appearing for the official respondents has no serious objections for the said order being passed.

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6. Considering the above facts and circumstances, this Court without going into the merits of the matter, and further considering the limited request sought for by the petitioner, is inclined to issue direction to the 4th respondent to conclude the enquiry and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity to the petitioner as well as aggrieved persons, if any.

9. This writ petition is accordingly disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
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Thiruvallur, Thiruvallur District.

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3.The Tahsildar,
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4.The Deputy Tahsildar (Land),
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+1 CC to The Government Pleader sr 22271
+1 CC to M/s. Sree Sun Associates sr 21829.

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NK(CO)
SP(27/04/2022)