



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.28843 of 2019 &
WMP.No.28586 of 2019

D.Rajendra Singh Kochar

...Petitioner

Vs

1. The Block Development Officer-cum-Special Officer,
Special Officer, Lathur Panchayat,
Kanchipuram.
2. The Panchayat Secretary,
Lathur Panchayat, Kanchipuram.
3. The Panchayat Clerk,
Lathur Panchayat,
Kanchipuram.
4. G.Elangovan
5. The District Collector
Kancheepuram
(R5 impleaded suo motu vide this order)

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents No.1 to 3 herein from interfering upon the petitioner's property situated in S.No.219 and Re-Survey No.441/3, Lathur Village, Thirukazhukundram Sub District, Chengalpattu District measuring an extent of Ac.1.32.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.Akhil Akbar Ali - R1 to R3
Mr.K.Govi Ganesan - R4

O R D E R

Heard Mr.P.Dinesh Kumar, learned counsel for the petitioner and Mr.Akhil Akbar Ali, learned counsel for R1 to R3 and Mr.K.Govi Ganesan, learned counsel for R4.



2.The petitioner, D.Rajendra Singh Kochar, a resident of Lathur Village, Thirukazhukundram Sub District, Chengalpattu District has sought a mandamus forbearing R1 to R3 from interfering with the property at S.No.219 and Re-Survey No.441/3, Lathur Village, admeasuring an extent of Ac.1.32 cents (property/property in question).

3.On the strength of the sale deed produced by the petitioner claiming that the aforesaid land vests absolutely in him, this Court, vide order dated 01.10.2019, had granted the petitioner the benefit of an interim order restraining the respondents from interfering with his possession in respect of the property until further orders.

4.A counter has been filed both by R1 and R4, as per which, the claim of the petitioner in regard to the property in question is stated to be incorrect. In my considered view, it would be inappropriate for this Court to delve into a question of title to property, particularly a disputed one at that.

5.Thus, mandamus, as sought for by the petitioner is not liable to be granted and this Writ Petition is dismissed on this score. However, the petitioner is at liberty to make a representation before the District Collector, Kancheepuram putting forth his plea in regard to the property in question, if he so desires, within a period of two (2) weeks from today.

6.Both the Block Development Officer and the Panchayat President, arrayed as R1 and R4 respectively, have filed counters negating the stand of the petitioner and hence, the direction to the District Collector to look into the petitioner's grievance as it would not be appropriate for the Block Development Officer to adjudicate upon the representation of the petitioner, in the aforesaid circumstances.

7.Since the District Collector, Kancheepuram is not arrayed as a party in this Writ Petition, he is impleaded suo moto as R5.Mr.C.Jayaprakash, learned Government Advocate accepts notice for the newly impleaded R5 and will convey the above directions to R5 for compliance.

8.Upon receipt of representation, the District Collector is directed to issue notice to the petitioner as well as to the private respondents, arrayed in this Writ Petition, hear the parties, consider the evidence, if any furnished by them, as well as the plea of the petitioner and pass orders in accordance with law within a period of six (6) weeks thereafter.

9.The interim order granted by this Court on 01.10.2019 will stand extended till orders are passed by the District Collector



upon the representation, if any, to be filed by the petitioner, and strictly for the timeline as aforesaid only. Likewise, if the petitioner does not make any representation within the aforesaid period of two (2) weeks, the interim order granted by this Court on 01.10.2019 will stand automatically vacated.

10. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sl/kbs

To

1. The Block Development Officer-cum-Special Officer,
Special Officer, Lathur Panchayat,
Kanchipuram.
2. The Panchayat Secretary,
Lathur Panchayat, Kanchipuram.
3. The Panchayat Clerk,
Lathur Panchayat,
Kanchipuram.
4. The District Collector
Kancheepuram.

+1cc to Mr.D.Ravichander, Advocate, S.R.No.28188

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.27436

+1cc to the Government Pleader, S.R.No.27984

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KV(CO)
RGA(15/06/2022)