



WEB COPY

W.P. No.15776 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.15776 of 2019

D.Shanmugam

... Petitioner

Vs.

1. The District Collector
Sathuvachari, Vellore

2. The District Revenue Officer
Vellore

3. The Revenue Divisional Officer
Vellore

4. The Tahsildar
Anaikattu Taluk, Vellore

5. Ekambaram

... Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a writ of certiorarified Mandamus to call for the records in proceedings Mu.Mu.D3/6985/2019 dated 15.04.2019 on the file of the 1st respondent and quash the same as illegal, incompetent and wholly without jurisdiction and further direct the 1st respondent to conduct enquiry and dispose of the appeal filed on 05.01.2019 within a stipulated time as fixed by this Court.



For Petitioner : Mr.Sunny Sheen for
M/s.V.Srimathi

For Respondents : Mrs.Senthil Selvi
Government Advocate for R1 to R4
Mr.T.V.G.Kartheeban for R5

ORDER

The writ petition is filed seeking to issue a writ of certiorarified Mandamus to call for the records in proceedings Mu.Mu.D3/6985/2019 dated 15.04.2019, on the file of the 1st respondent and quash the same as illegal, incompetent and wholly without jurisdiction and further direct the 1st respondent to conduct enquiry and dispose of the appeal filed on 05.01.2019 within a stipulated time as may be fixed by this Court.

2. The contention of the petitioner is that he is in possession and enjoyment of the property, after the demise of his father, which was devolved upon his father by way of partition. The fifth respondent's father purchased a land of an extent of 0.23 ½ cents in S.No.90/2 of Ongapadi Village, from one Chinnammal. However, Patta was issued to the father of the fifth respondent for an extent of 0.37 cents, instead of 0.23 ½ cents, which includes 0.13 ½ cents of the land of the petitioner. Hence, the petitioner made an application to the fourth respondent for rectification of the error, pursuant to which, the



third respondent recommended to include the petitioner's name as joint Pattadar in S.No.90/2. While so, the second respondent had called for another report from the fourth respondent. The fourth respondent, without conducting any inspection, submitted a report stating that there is no house in S.No.90/2, pursuant to which, the second respondent rejected the application of the petitioner. Challenging the same, the petitioner filed an appeal on 05.01.2019 before the first respondent. As the first respondent had not taken the appeal on file, the petitioner sent a letter to the first respondent through RTI asking the status of the appeal. But the Additional Personal Assistant (Land) of the first respondent, instead of informing the status of the appeal and without even numbering the appeal and conducting any enquiry, sent a reply dated 15.04.2019, asking the petitioner to approach the Civil Court. Aggrieved by the same, the petitioner has come up with the above writ petition.

3. Heard and perused the records.

4. The main grievance of the petitioner is that without giving notice and opportunity of hearing the petitioner, the Additional Personal Assistant (Land) of the first respondent, has sent a reply asking the petitioner to approach the Civil Court which is a violation of principles of natural justice.



5. Considering the fact that the Additional Personal Assistant (Land) of the first respondent, in the reply to the RTI letter, instead of giving the status of the appeal, has asked the petitioner to approach the Civil Court.

6. In view of the above, the 1st respondent is directed to conduct enquiry in the manner known to law after giving notice and opportunity of hearing the petitioner, 4th respondent herein and also the interested parties/rival claimants if any, and dispose of the appeal filed by the petitioner on 05.09.2019 and pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to the costs.

30.11.2023

ksa-2

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No



To

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P.VELMURUGAN. J.

Ksa-2

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