



W.P.No.30550 of 2023

IN THE HIGH Court OF JUDICATURE AT MADRAS

Dated : 27.11.2023

Coram:

THE HON'BLE MR JUSTICE P. VELMURUGAN

W.P.No.30550 of 2023

Mr.J.Manoharan

...petitioner

Vs.

- 1.The District Collector,
Fourth Floor,
M.Singaravelar Maaligai,
62, Rajaji Salai,
Chennai Collectorate,
Chennai – 600 001.
- 2.The District Revenue Officer,
Chennai.
- 3.The Revenue Divisional Officer,
Grihalakshmi Apartment,
472, Thiruvottiyur High Road,
Tondiarpet, Chennai – 600 081.
- 4.The Tahsildar,
Gandhi Road,
Balaji Nagar,
Puzhal,
Chennai – 600 066.
- 5.Mr.T.Tamil Pandian

...respondents



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Prayer: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Mandamus directing the respondents to consider the representation of the petitioner dated 09.05.2023 and rectify the error occurred in the Patta.

For petitioner : Mr.T.N.Rajagopalan

For respondents

[R1 to R4]

: Mr.V.Veluchamy

Additional Government Pleader

[R5]

: Mr.K.Mohan

ORDER

This writ petition has been filed to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner, dated 09.05.2023 and rectify the error occurred in the Patta.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the property bearing Door No.232 (Old No.133), G.N.T.Road, Moolakadi, Madhavaram, Chennai – 600 060, measuring about 688 sq.ft. comprised in S.No.1092/5, T.S.No.11, with a total extent of 1.5 Ares, Madhavaram Taluk, now coming under Chennai District. Originally, Mr.T.Sivaprakasam was the owner of the larger



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extent of the above property, measuring about 1614 sq.ft. (1.5 Ares), and he obtained the same by way of Partition Deed dated 03.07.1963, vide Document No.2046/1963.

3.The Government acquired a portion of the land and thereafter the petitioner found that, for the remaining extent of the land, Patta stands in the name of the other person and also in that Patta, they have given the total extent of the land. Since the respondents acquired only a portion of the land and demanded compensation, they should not have sub-divided or demarcated and should have given Patta for the remaining extent. The respondents have wrongly given the Patta to the third party. Hence, the petitioner made a representation before the respondents on 09.05.2023. The first respondent forwarded the said representation to the other respondents to consider and pass orders but so far, as the respondents had not passed any orders on the said representation, and hence, the petitioner is constrained to approach this Court by way of this writ petition for the relief stated *supra*.

4.When the matter came before this Court on 30.10.2023, this



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Court directed the respondents to file counter affidavit, but the respondents failed to file counter affidavit and *modus-operandi* is being adopted by the Government officials to protract the case one way or the other.

5.However, the materials available on record shows that the petitioner is the rightful owner of the aforementioned property of an extent of 1614 sq.ft. (1.5 Ares) in S.No.1092/5. But subsequently, the Highways Department acquired some portion of the land of the petitioner and also awarded compensation. The petitioner also accepted the same and it shows that the entire property of the writ petitioner was not acquired and only a portion of the property alone was acquired, but however, the petitioner has not been given Patta for the remaining portion of the land, which is not covered under the acquisition. Further, the records also show that in respect of the the said land, the Patta was given to the other person, namely the 5th respondent. Though the petitioner sent a representation to the respondent Nos.1 to 4, 1st respondent directed the 4th respondent to consider the said representation, but however, the 4th respondent so far has not given any response even to



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the recommendation made by the 1st respondent. This adamant attitude being adopted by the Revenue officials is deprecated and even they are not following the instructions, both the recommendations of their superiors, which leads to the innocent public being dragged on to this Court by filing petition even for simple Writ of Madamus to consider their representation.

6.The land involved in this case also is of a very small extent, for which, the petitioner is being dragged by the official respondents to run from pillar to post and at last, even to this Court. Even for getting simple direction to consider the petitioner's representation, the situation prevailing as on this date is that the Government officials are not even giving any response to the voice of the poor citizens or for every other citizens. This shows that the petitioner is dragged to approach this Court to get the order and in some cases, after giving the directions also, the Government officials are not co-operating and several contempt petitions are also being filed and pending. At the time of receiving the contempt notices only, either the officials or the Government Advocates appearing on behalf of the Government officials, are rushing to the Court with hue



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and cry and try to escape from the contempt proceedings and get time and that in a hurried manner, they are complying with the orders of this Court, because of which, certain aspects are not complied with and when some mistakes occur, in order to avoid the contempt proceedings, they are carrying out the orders.

7. Therefore, as usual, in this case, the representation dated 09.05.2023, is pending before the official respondents and they have not given any care by them and the writ petitioner is made to run from pillar to post and also finally, was dragged to this Court. The attitude of the official respondents is highly reprehensible and condemnable. The 1st respondent gave a direction to the 4th respondent, which is not considered by the 4th respondent, as discussed above.

8. Hence the 1st respondent is directed to take Departmental action against the 4th respondent and file action taken report. However, the 4th respondent is directed to consider the said representation of the petitioner, dated 09.05.2023 as well as the instructions given by the 1st respondent, within a period of two (2) months, after giving notice to the



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petitioner and also to the 5th respondent and if any other person is interested or any rival claimants, they shall also be heard, the enquiry be conducted in the manner known to law and orders be passed on merits and in accordance with law. The entire exercise shall be completed within a period of two (2) months from the date of receipt of copy of this order.

9.This writ petition is disposed with the above said direction. No Costs.

10.Registry is directed to list this case under the caption “for reporting compliance” on 30.01.2024.

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



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