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W.P.No.2482 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.2482 of 2020
and W.M.P.No.2880 of 2020

1.V.P.R.Varadharajan

2.Vikram Varadharajan

... Petitioners

Vs.

1.The District Revenue Officer,
Chennai District,
Chennai – 600 001.

2.The Revenue Divisional Officer,
South Chennai Division,
Chennai – 600 032.

3.The Tahsildar,
Velachery Taluk,
Velachery,
Chennai – 600 042.

4.S.Chellappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to consider the review petition dated 30.12.2019 registered under reference No.2019/9005/02/498944/1230 filed by the petitioners against the order of

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the second respondent dated 20.12.2019 made under reference No.A1/1777/2019 including the prayer for stay and decide the same in accordance with law.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents 1 to 3 : Mr.R.L.Karthika,
Government Advocate

For Respondent 4 : No appearance

ORDER

The petitioner has filed this petition seeking direction to the first respondent to consider the review petition dated 30.12.2019 registered under reference No.2019/9005/02/498944/1230 filed by the petitioners against the order of the second respondent dated 20.12.2019 made under reference No.A1/1777/2019 including the prayer for stay and decide the same in accordance with law.

2. The case of the petitioners is that the grand father of the first petitioner has purchased an extent of 10 acres and 30 cents in Survey No.223/2 in Thiruvanmiyur Village under Sale Deed registered as



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Doc.No.789 of 1941. On his demise, his son, Dr.V.P.Rama Pandiya Raj became entitled to the said lands and he also purchased a further extent of 1 acre and 64 cents and possessed 11 acres and 94 cents. After various transfers effected by him, he continued to own an extent of 1 acre and 13 cents in Survey No.223/2A1A1A2. This being so, the Tamil Nadu Housing Board utilized an extent of 3.75 acres comprised in Survey No.223/2A1A1A1 for the project but in respect of an extent of 2.69 acres, acquisition was not completed and hence, the same was released from acquisition.

2.1. The aforesaid extent of 3.75 acres includes lands of an extent of 7 grounds and 1538 sq.ft. owned by Ajeet Mehta; lands of an extent of 7 grounds and 1538 sq.ft. owned by Kantha Praveen Mehta; and lands of an extent of 8 grounds and 2273 sq.ft. owned by H.C.Kothari. However, for the aforesaid lands, patta stands in the name of first petitioner's father, who is the grand-father of the second petitioner, which is not challenged by the aforesaid persons.

2.2. This being so, the extent owned by Ajeet Mehta is alleged to have



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been relinquished by him in favour of his father, Surendra J.Mehta, who in turn executed a Power of Attorney in favour of one Mr.S.Balraj and conveyed an extent of 7 grounds and 1538 sq.ft. in favour of Jayalakshmi and others under 8 sale deeds dated 27.12.1999. In the meantime, the patta has been transferred in favour of the petitioner. Thus, the said Jayalakshmi and others challenged the same by filing an appeal before the Collector of Chennai and no Civil Suit has been filed. At that time of enquiry, Ajeet Mehta appeared and gave a statement that his father did not execute any power of attorney in favour of Mr.S.Balaji. In view of the disputes raised by Jayalakshmi and others, the Collector directed the entry in the revenue records to be maintained in the name of Dr.V.P.Rama Pandiya Raj till adjudication by a Civil Court.

2.3. In the meantime, the first petitioner settled a portion of extent to the second petitioner under a deed of settlement dated 10.08.2018 and patta had been granted to both the petitioners. In this regard, the aforesaid Jayalakshmi and others raised a complaint and not initiated any civil proceedings to establish either their title or their possession. In this



circumstances, the petitioners applied for mutation of entries in the revenue records. The third respondent, after due enquiry and following the procedure had granted patta to the petitioners. Challenging the said proceedings of the third respondent and grant of patta, the fourth respondent filed an appeal before the second respondent.

2.4. The second respondent vide order dated 20.12.2019 without appreciating the facts of the case and the documents produced, directed cancellation of the patta. Challenging the order dated 20.12.2019, the petitioners have preferred a review before the first respondent. However, till date no order has been passed. Hence, the petitioner has come forward with the present writ petition.

4. Learned counsel for the petitioners would submit that he has filed review petition on 30.12.2019 before the first respondent and attended the enquiry and the same was concluded in the month of April, however, no order has been passed till date. Hence, he prayed this Court to direct the first respondent to pass orders on the aforesaid review petition, within a time



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frame to be fixed by this Court.

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5. The learned Government Advocate appearing for the respondents 1 to 3 has no objection for said order being passed.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. Since, the enquiry has already been concluded in the month of April, this Court directs the first respondent to pass appropriate orders on the review petition dated 30.12.2019 filed by the petitioners on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is also closed.

16.07.2024



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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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Chennai – 600 042.
Nagapattinam District.

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J.SATHYA NARAYANA PRASAD,J.

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