IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3392 of 2024

Bandanadam Anthony Kiran Kumar ... Petitioner

Vs.

1. The District Collector
   O/o. District Collector Office
   GST Road, Chengalpattu - 603 001

2. The District Revenue Officer-Chengalpattu
   O/o. District Collector Office
   GST Road, Chengalpattu - 603 001

3. The Special Deputy Collector (GDP),
   O/o. District Collector Office
   GST Road, Chengalpattu - 603 001

4. The Revenue Divisional Officer -Tambaram
   Taluk Office Complex, 1st Floor
   GST Road, Tambaram West, Chennai - 600 045

5. The Tahsildar
   Vandalur Taluk Office, Otteri
   Peerkankaranai, Chennai - 600 048

6. The Zonal Deputy Tahsildar
   Vandalur Taluk Office, Otteri
   Peerkankaranai, Chennai - 600 048

7. The Village Administrative Officer
No.6, Nandivaram Village, Vandalur Taluk,
Guduvancheri, Tamil Nadu-603 2023 ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to issue Patta in the name of the petitioner, as mentioned in the endorsement RC.No.2172/2021/B dated 04.08.2021 for the survey sub-division No.511/2A26, Nandivaram Village, Vandalur Taluk, Chengalpattu.

For Petitioner : Mr.B.Arokyaraj

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the second respondent to issue Patta in the name of the petitioner, as mentioned in the endorsement RC.No.2172/2021/B dated 04.08.2021 for the survey sub-division No.511/2A26, Nandivaram Village, Vandalur Taluk, Chengalpattu.

2. The contention of the petitioner is that the petitioner has made an application for issuance of Patta in the name of the petitioner. On earlier occasion, the petitioner had approached his Court in W.P.No.5672 of 2021

for issuance of patta in the name of the petitioner and this Court by order dated 09.03.2021 directed the RDO to conduct enquiry and dispose of the petitioner's representation. Subsequently, the RDO conducted enquiry and submitted his report dated 06.08.2021 to the DRO stating that some mistake has occurred during updation of UDR scheme and he also recommended that Patta may be issued in the name of the petitioner herein. However, till now, the DRO/2nd respondent herein has not passed any order. If at all the DRO had any doubt in the report of the RDO/4th respondent herein, he should have conducted a fresh enquiry and pass order within a reasonable time, whereas, the DRO has neither accepted the report/recommendation of the RDO, nor conducted fresh enquiry and passed order and thereby, he has not complied with the order of this Court dated 09.01.2021. Hence, the petitioner was constrained to file this Writ Petition before this Court which is again the second round of litigation.

3. Mr.Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents.

4. The respondents have dragged the petitioner from pillar to post even for their own mistake. This is how the Government Departments are running and the public are being dragged from pillar to post.

5. Since the matter is pending from the year 2021 and since this writ petition is filed seeking a simple writ of mandamus, this Court without expressing any opinion with regard to the merits of the case, directs the 2nd respondent to issue notice to the petitioner and also to the rival claimants/interested parties/objectors if any, as the case may be and conduct enquiry in the manner known to law and if the 2nd respondent finds that the recommendation sent by the 4th respondent is otherwise in order, rectify the mistake that occurred during UDR Scheme 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.

6. Accordingly, the Writ Petition is disposed of at the admission stage itself.

7. Before parting with this case, it is to be noted that this Court, in W.P.No.262 of 2018 (D.Tulasi vs. The District Revenue Officer, Dharmapuri etc. and batch), by order dated 09.06.2023, directed the Department to issue circular in regard to disposal of the application/petition/revision/appeals and etc., within time limit and obey the Court orders and in that regard, the Commissioner of Land Administration has also issued a circular No.R1/2005632/2022 dated 17.07.2023 as to how the matters have to be dealt

with and within the period of which, the matters have to be disposed of has been fixed in the circular and inspite of the same, the Departments are not following either the order of this Court or the circular.

8. In this case, the Government Official/2nd respondent has violated the order of this Court as well as the ciruclar. Hence, the Chief Secreatary/Disciplinary Authority as the case may be, is directed to take departmental action against the District Revenue Officer/s who were all holding the post at the relevant point of time and till today, and file action taken report before this Court on or before 19.04.2024 in regard to this Writ Petition.

9. Post the matter on 22.04.2024 “for reporting compliance”.

15.02.2024

ksa-2
Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No

Note: Issue Order copy on 16.02.2024.

To

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P.VELMURUGAN. J.

Ksa-2

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