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W.P.No.3662 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM:

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.3662 of 2020

V. Rajaram

Vs

...Petitioner

1. The District Collector,
District Collector Office,
Villupuram District.
2. The Tahsildar,
Vanoor Taluk,
Villupuram District.
3. The Village Administrative Officer,
Thergunam Village,
Vanoor Taluk,
Villupuram District.
4. R.Thangavel

....Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the second respondent to consider and take action on the petitioner's representation dated 06.11.2019 in respect of modification of Patta and take the final decision on the same by



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giving opportunities of hearing for all parties concerned.

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For Petitioner : Mr.A. Ilayaperumal
For R1 to R3 : Mr.K.Surendran
Additional Government Pleader
For R4 : Tapal-due

ORDER

This writ petition is filed seeking for issuance of Mandamus to direct the second respondent to consider and take action on the petitioner's representation dated 06.11.2019 in respect of modification of Patta and take the final decision on the same by giving opportunities of hearing for all parties concerned.

2. The case of the petitioner is as follows:-

2.1 For the past 40 years, the petitioner had been in possession and enjoyment of the house site property of land measuring 6 Cents in Survey Nos.178/8 and 168/15 of Thergunam Village, Vanoor Taluk, Villupuram District. As on today, the petitioner paying the necessary taxes to the concerned Government Authorities and it is also fact that the Tahsildar issued



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the Patta No.370 dated 20.01.1996 in the name of the petitioner. Since the petitioner had been suffering due to non income, therefore the petitioner went to other Villages for getting income and sometimes the petitioner stayed at the worked place. Hence, the petitioner was unable to stay for sometimes and this was utilised by the father of the fourth Respondent and he attempted to grab property of the petitioner and influenced the second Respondent Tahsildar Office and got Patta changed. In the Village Revenue Records, there was a correction by adding different name in the Patta No.370. When this was ascertained by the petitioner, enquired with the Village Administrative Officer, Vanoor Taluk, Villupuram District. The said VAO namely Ramalingam has not given proper reply to the correction in the Patta No.370 dated 20.01.1996. Therefore there was a quarrels between the petitioner and with the said Village Administrative Officer and thereafter, the petitioner had been arrested by the police authorities and came out on the bail. Due to vengeance of the incident, the VAO namely Ramalingam who is the father of the fourth Respondent has planned to grab the property of the petitioner with the help of antisocial elements and he removed petitioner's name in Survey No.168/9 and created



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some encumbrances in the revenue records as against the petitioner. The said Ramalingam retired from the VAO Post now he is getting pension from the Government.

2.2 During the year 1969, the petitioner's father Venkataraman has purchased the properties measuring 12 Cents and 15 links pathway in Survey No.168/15 and 168/8 of Theragam Village, Vanoor Taluk, Villupuram District. After the death of the father of the petitioner, the above said lands have been assigned in name of the petitioner through the Patta No.370 by the Special Tahsildar, Nattham Settlement Scheme, Vanoor Taluk. It is also fact that in the said Survey No. 168/9 there was a house. Therefore, Nattham Settlement Officer has granted Patta in favour of the petitioner. In the above said properties in the year 1972 the petitioner's father has given property land measuring 6 Cents to his brother Ettiya Gounder and remaining 0-6 Cents the petitioner in possession and enjoyment of the properties and the petitioner has done agricultural activities from the Bond which was situate in the above said land. It is also fact that the petitioner obtained water connection from the Village



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Panchayat and there was pipeline in the above said land for drinking water purpose. The petitioner has also obtained loan of Rs.12,000/- from the Indian Bank, Tindivanam and the petitioner had run Cycle Shop in the above said property and the petitioner purchased the cycles from Tindivanam Appas Cycle Shop. All these documents have been proved that the petitioner is in possession and enjoyment of the said land and no other person is having any right in the above said land.

2.3 The correction in the Patta No.370 in Survey No.168/15 (Old Survey No. 168/4 Part, 168/8 and 168/9) of Thergunam Village, Vanoor Taluk, Villupuram District situated within the Sub Registration District of Vanoor and Registration District of Tindivanam was made by the revenue officials with the help of the land grabbers who are all wanted to grab properties of the petitioner without any valid right. Therefore the petitioner has made several representations on various occasions to the Respondents herein on 24.06.2019 and 25.06.2019. Further the petitioner also issued legal notice through Advocate on 14.08.2019 to the first respondent herein and on receipt of the said



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legal notice dated 14.08.2019, the first respondent issued a communication through his proceedings No.O.Mu.(B7)/22554/2019 dated 04.09.2019 by directing the Tahsildar namely second respondents to take appropriate action, conducted detailed enquiry and report the same to the petitioner as well as to the first Respondent. But as on today the second Respondent has never taken any action on various representations of the petitioner and legal notices, etc. Therefore the petitioners have finally issued legal notice dated 09.10.2019 to the second respondent and the second Respondent also received the said legal notice but no action was taken as on today. Therefore again the petitioner made a representation on 06.11.2019 to the District Collector, Villupuram District namely the first Respondent. The said representation has been received by the first Respondent on 07.11.2019.

2.4 The first respondent by his proceedings in O.Mu.B2/31465/2019 dated 08.11.2019, directed the second respondent to take appropriate action on the petitioner's representation dated 06.11.2019. But in spite of the said proceedings of the first Respondent, the second Respondent has not come



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forward to take any action on the same. Being aggrieved by the inaction on the part of the second Respondent in considering representation of the petitioner dated 06.11.2019, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the second respondent to consider the petitioner representation dated 06.11.2019 and pass appropriate orders on merits within a particular time frame to be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents R1 to R3 has no objection for the said order being passed by this Court.

5. Heard both sides and perused the materials available on record.



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6. In view of the above, the second respondent is directed to consider the petitioner's representation dated 06.11.2019 by conducting detailed enquiry by giving notice to both the parties, opportunity of personal hearing, to consider the documents submitted by both the parties, conclude the enquiry and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.

7. With above said observation and direction, this writ petition is disposed of. No costs.

07.06.2024

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Index:Yes/No
Speaking Order : Yes/No
Neutral case citation: Yes/No



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J.SATHYA NARAYANA PRASAD, J.

ns1

To

1. The District Collector,
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