



WEB COPY



W.P.No.30160 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.30160 of 2015

E.Vasudevan

....Petitioner

Vs

1. The Additional Chief Secretary and
Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.

2. The District Collector,
Collectorate,
Tiruvallur,
Tiruvallur District.

3. Mr.P. Velur

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus to call for the records in Letter No.Ser.2(3)/13824/2013 dated 11.03.2015 of the 1st respondent and quash the same and consequently direct the 1st respondent to initiate the departmental enquiry against the 3rd respondent for his misconduct.

For Petitioner : Mr.D.Muthukumar

For R1 & R2 : Mr.Stalin Abimanyu
Additional Government Pleader

For R3 : Mr.B.Singaravelu

ORDER



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The Writ Petition has been filed challenging the impugned order passed by the 1st respondent in Letter No.Ser.2(3)/13824/2013 dated 11.03.2015 and to consequentially direct the 1st respondent to initiate departmental enquiry against the 3rd respondent for his misconduct in service.

2. It is the case of the petitioner that his grandfather Later Mr.K.Dhanapaa Mudaliar had lands in his name in the Tamaraipakkam Village, Tiruvallur District. In order to get the details of the land belonging to his grandfather, he had made an application to the Tahsildar, Tiruvallur. Even though the application was received by the Deputy Tahsilar, the same was forwarded to Revenue Inspector for ascertaining the details of the property.

3. It is the grievance of the petitioner that no proper steps were taken pursuant to the application submitted him. Ultimately, the 3rd respondent herein who was working as the then Tahsildar by its letter dated 22.02.2007 stated that, as per village accounts, no land details are available in the name of Late Mr.Dhanappa Mudaliar. Petitioner had preferred an appeal before the Revenue Divisional Officer on 30.06.2008 , based on which, the RDO



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had directed the Village Administrative Office to produce all the relevant revenue records by his order dated 21.07.2008. Pursuant to which, Revenue Divisional Officer, by an order dated 18.11.2008 has intimated the petitioner that he could get the details by paying the necessary fees for patta.

4. Thereafter, pursuant to the intervention of the Sub Collector of Tiruvallur District, the Deputy Tahsildar provided the extract of the “A” register of Thamaraiakkam on 25.11.2011. The “A” register clearly exhibits that there were several lands belonging to petitioner's grandfather. Therefore, according to the petitioner it was completely a dereliction of duty on the part of the 3rd respondent who did not take steps to provide the necessary land details and he has failed to discharge his duties efficiently. In this regard, petitioner had made a complaint dated 06.12.2011 to the Government to take action against the 3rd respondent, since the complaint was not acted upon, petitioner had approached this Court in W.P.No.13608 of 2013 and by an order dated 28.03.2014, the respondents were directed to consider the representation of the petitioner.

5. Pursuant to the orders passed by this Court, the 1st respondent had directed the 2nd respondent to conduct an enquiry and submit a report. The



2nd respondent conducted enquiry and in the enquiry, 2nd respondent found that, even though the name of the petitioner's grandfather was available as per the settlement register prior to the UDR, but however subsequently after the implementation of the UDR scheme, the pattas have been mutated in favour of the son of Dhanappa Mudaliyar ie., petitioner's father and therefore, from the records verified by the 3rd respondent, since the petitioner's grandfather name was not available, the same has been replied to the petitioner by the 3rd respondent.

6. In this regard, the 2nd respondent submitted a detailed report to the 1st respondent on 09.03.2015 stating that no further action is required. The relevant portion is extracted hereunder:

Hence, I submit that the then Tahsildar tiruvallur Thiru.P.Velu now working as Deputy Commissioner (Excise) Chennai has given a reply to the petitioner Thiru E.Vasudevan that no patta stands in the name of the Dhanappa Mudaliyar in Village accounts of Thamaraipakkam village which is evident to be correct based on the available records post UDR. Hence, no further action is necessary and the petition deserves no consideration.



7. Pursuant to the report of the 2nd respondent, 1st respondent by proceedings dated 11.03.2015 had communicated to the petitioner that the 3rd respondent had infact taken necessary steps in this regard and since no patta stood in the name of Late Dhanappa Mudaliyar in the village accounts of Thamaraipaakm Village which is evident to be correct based on the available records of Post UDR, based on the report of the District Collector, the petition of the petitioner was rejected. Assailing these proceedings, petitioner preferred the present Writ Petition.

8. The learned counsel for the petitioner contended that, when the properties are admittedly available in the name of the petitioner's grandfather prior of UDR, the 3rd respondent ought to have verified all these record before intimating to the petitioner that no properties stands in the name of the petitioner's grandfather. According to him, it is the dereliction of duty on the part of the 3rd respondent who failed to excise his duty in proper manner and therefore the impugned order passed by the authorities exonerating the 3rd respondent from the complaint is erroneous and therefore sought for allowing this Writ Petition.

9. The learned AGP appearing for the respondents 1 to 3 submitted that, infact the complaint made by the petitioner was looked into and the 2nd



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respondent after conducting a detailed enquiry having found that post UDR, the name of the petitioner's grandfather was not found in any of the records, there was no dereliction found on the part of the 3rd respondent and therefore the complaint came to be closed.

10. The learned counsel appearing for the 3rd respondent contended that, he has acted in a proper and diligent manner and when the application was made, search was made in the available revenue records and in none of the revenue records post UDR, the name of the petitioner's grandfather was available, the same was intimated and therefore there is no error or dereliction on the part of the 3rd respondent and thus sought for dismissal of this petition.

11. Heard the learned counsel appearing for the parties and perused the materials available on records.

12. Admittedly, petitioner himself was not having the details of the property owned by his grandfather who according to him was a popular man in the village. However, the application with an omnibus request was



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made to the 3rd respondent to furnish the details of the properties standing in the name of the petitioner's grandfather in the Thamaraipakkam Village and that application was acted upon by the 3rd respondent. He having made search in the available materials found that none of the records available in the Post UDR, the name of the petitioner's grandfather was available and therefore it was intimated to the petitioner that no property stands in the name of the petitioner's grandfather.

13. Only later when the earlier records were again verified by the subsequent authorities, it was found that the name of the petitioner's grandfather was available in the records prior to UDR but however post UDR, the same has been mutated in the name of the petitioner's father. The relevant portion indicating the details obtained in the enquiry conducted by the 2nd respondent is extracted hereunder for easy reference.

Sl.No	Survey No.	Pattadhar Name	
		As per Settlement Register (Before UDR)	After UDR
1.	22/6	Devathayam Maniyam	Patta No.110 Ganesa Mudaliyar S/o. Dhanappa Mudaliyar
2.	101/4	Dhanappa Mudaliyar	



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Sl.No	Survey No.	Pattadhar Name	
		As per Settlement Register (Before UDR)	After UDR
3.	102/3	Dhanappa Mudaliyar	
4.	37/3	Dhanappa Mudaliyar	37/3A1 – Venkat Narayanan (1) (Patta Venkatranitanm (2) No.2975) S/o. Ramnaiya 37/3A2 – Venkalrao (1) (Patta S/o.Venkatakondaiya No.2976) S. Adukamalli ramyya (2) S/o. Adukamalli Anjineyalu 37/3B - Pathamanaban (Patta No.209) S/o. Ganesamudaliyar
5.	60/3	Dhanappa Mudaliyar	Patta No.212 Elumalai Chetti Son Sampantha Chetti
6.	66/9	Dhanappa Mudaliyar	Patta No.2267 66/9A – Valliyammal W/o. Ananthan Patta No.2813 66/9B – Vallikumar S/o. Kanna
7.	71/11	Dhanappa Mudaliyar	Patta No.432. Padmavathiyammal w/o. Vinayaga Mudaliyar
8.	79/7	Dhanappa Mudaliyar	
9.	94/2	Dhanappa Mudaliyar	Patta No.67 Narendravarma S/o. Kumarasamy Naicker
10	96/4	Dhanappa Mudaliyar	Patta No.2947 S.No. 96/4A Sathanamira (1) Shyam Manokar Misra (2) Patta No. 515 S.No.96/4B (1) Kumarasamy (2) K.Narendiran Patta No.110 S.No.110 S.No. 96/4C-



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Sl.No	Survey No.	Pattadhar Name	
		As per Settlement Register (Before UDR)	After UDR
			Ganesa Mudaliyar S/o. Dhanappa Mudaliyar Patta No.515 S.No.96/4D Kumarasamy (1) Narendran (2)
11	102/4	Dhanappa Mudaliyar	Patta No.620. Vankibai ammal W/o. Ganesa Mudaliyar
12	103/2	Dhanappa Mudaliyar	
13	106/1	Dhanappa Mudaliyar	Patta No.35. Radhammal W/o. Neelakanda Mudaliyar

14. From the above materials it could be seen that since on the date of the reply made by the 3rd respondent, all the properties which were standing in the name of the petitioner's grandfather prior to UDR has been mutated and transferred in the name of the petitioner's father. Therefore the 3rd respondent by relying on the records available with him, which is post UDR has rightly replied that the property does not stand in the name of the petitioner's grandfather.

15. In this regard, a detailed enquiry had already been conducted by



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the 2nd respondent and having found that there was no dereliction on the part of the 3rd respondent had submitted a report to the 1st respondent. The 1st respondent also accepted the report and confirmed the position that no patta stood in the name of the petitioner's grandfather Late Dhanappa Mudaliyar which is evident from the available record post UDR. Therefore the 1st respondent had rejected the complaint of the petitioner, as already a detailed enquiry had been conducted and found that there is no dereliction on the part of the 3rd respondent in his duties. In such circumstances, this Court of the view that no further proceedings is required in this regard.

13. Accordingly, this Writ Petition is dismissed. No costs.

13.09.2024

Index : Yes/No
Neutral Citation : Yes
Speaking order : Yes
Sma

To

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