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W.P.No.12163 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.12163 of 2019

1.M.P.PeriyaReddy

2.P.Gnanavel

... Petitioners

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The District Revenue Officer,
Vellore District,
Vellore.

3.The Sub-Collector,
Ranipet,
Vellore District.

4.The Revenue Divisional Officer,
Ranipet, Vellore District.

5.The Tahsildar,
Arakkonam,
Vellore District.

6.M.Perumal Reddy (Deceased)

7.P.Krishnan

... Respondents

(P7 substituted as LR of Deceased respondent 6 vide order dated 02.09.2021)



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made in WMP.4377/2020 in WP.12163/2019 by VBSJ)

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to issue Patta in the name of petitioners after deleting the name of Perumal Reddy, the 6th respondent herein in Patta No.446 in respect of S.No.57/6B(0.58 cents) and 48/7(0.11 cents) in Kilandhur Village by considering their representation dated 21.12.2018 within a stipulated period that may be fixed by this Court.

For Petitioners : Mr.P.P.Shanmugasundaram

For Respondents 1 to 5 : Mr.K.Surendran,
Additional Government Pleader

For Respondent 6 : Died

For Respondent 7 : No Appearance

ORDER

The petitioner has filed this petition seeking direction to the respondents to issue Patta in the name of petitioners after deleting the name of Perumal Reddy, the 6th respondent herein in Patta No.446 in respect of S.No.57/6B(0.58 cents) and 48/7(0.11 cents) in Kilandhur Village by considering their representation dated 21.12.2018.



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2. The case of the petitioners is that the petitioners are brothers and the property in dispute was purchased by their grand father and grand mother in the year 1956. After their life time, their son Mr.M.N.Pachayappa Reddy, who is petitioners' father enjoyed the peaceful possession and enjoyment of the said property. This being so, the revenue authorities wrongly registered the aforesaid property as Patta No.446 in the name of the sixth respondent, who is the adjacent land owner in respect of petitioners' land. Thus, the petitioners' have made representation to the respondents for rectifying the mistake and issue patta in the name of their father.

2.1. On such representation, the fourth respondent directed the first petitioner to appear for an enquiry before him on 18.07.2007 by his letter dated 09.07.2007. The first petitioner has appeared and enquiry was also conducted by the fourth respondent, however, no order was passed to rectify the mistake made in the patta. Thereafter, so many representations were made by the petitioners, but no order was passed. Therefore, the petitioners have filed a writ petition in W.P.No.2779 of 2018 before this Court to issue a direction to the respondents for deleting the name of the sixth respondent in



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Patta No.446 and to issue patta in the name of petitioners' father and the same was disposed of on 25.10.2018 with a liberty to the petitioners as well as the other legal heirs to approach the consent authorities for issuance of patta in their names. In continuous of the same, the petitioners have sent representation to the respondents dated 21.12.2018 but the authorities have not come forward to pass any order. Aggrieved over the same, the petitioners have come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioners submitted that, it would suffice, if this Court issues direction to the fifth respondent to consider the petitioners representation dated 21.12.2018 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 first respondents 1 to 5 has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials



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placed on record.

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6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case issues the following direction:

The fifth respondent is directed to conduct a detailed enquiry, after giving due notice to both the parties and affording an opportunity of personal hearing to the petitioners as well as the seventh respondent, at the time of enquiry the petitioner as well as the seventh respondent shall submit all the relevant documents in their possession in regard to the subject matter property and dispose of the representation of the petitioners dated 21.12.2018 and pass appropriate orders on merits and in accordance with law and also after observing the above principles of natural justice, 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 aforesaid observation and directions. No costs.

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Index : Yes/No
Speaking Order : Yes/No

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J.SATHYA NARAYANA PRASAD,J.

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