IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.15899 of 2018

C.Sudhakar ...Petitioner

-Vs-

1. The Revenue Divisional Officer,
   Avadi Taluk,
   Avadi,
   Chennai – 600 055.

2. The Tahsildar,
   Avadi Taluk,
   Avadi,
   Chennai – 600 055.

3. The District Revenue Officer,
   Tiruvallur District, Tiruvallur, Chennai.
   (R3 impleaded as per order dated 07.02.2020
   made in W.M.P.No. 2279 of 2020
   in W.P.No. 15899 of 2018) ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the second respondent to dispose of the petitioner representation dated 01.02.2012 and further to mutate the revenue records pertaining to S.No. 347/3, 347/4, 347/12 of Vellanur Village, Avadi Taluk and Tiruvallur District in compliance with the directions of the first respondent in the name of the petitioner.

For Petitioner : Mr.R.Karthikeyan

For R1 to R3 : Mr.R.L.Karthika
Government Advocate

O R D E R

This writ petition is filed seeking for issuance of Mandamus to direct the second respondent to dispose of the petitioner's representation dated 01.02.2012 and further to mutate the revenue records pertaining to S.No. 347/3, 347/4, 347/12 of Vellanur Village, Avadi Taluk and Tiruvallur District in compliance with the directions of the first respondent in the name of the petitioner.

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

2.1 The petitioner is the absolute owner of the property situated in Vellanur Village, Avadi Taluk, Tiruvallur District in S.No.347/3 to an extent of acre 1.66 Cents, 347/7 to an extent of acre 0.91 Cents and 347/12 to an extent of acre 0.49 Cents, thus totalling to an extent acre 3.06 Cents. The same was settled in favour of the petitioner vide Doc. No.7879/2011, dated 05.08.2011, on the file of SRO, Avadi by father Chengelvarayan and grandmother Varadhammal of the petitioner. Originally, the property in the above mentioned survey numbers i.e. 347/3, 347/7, 347/12 is the ancestral property of the petitioner.

2.2 The petitioner's grandfather Kuruvappa Chettiar was in absolute possession and enjoyment of the properties and he was indulged in agricultural activities in the above mentioned survey numbers. Thereafter, he expired on 09.09.1972. From then onwards, there was no activity in the above mentioned property. While being so, after the expiry of Kuruvappa Chettiar, one M.E.Ganesan started to harass petitioner's father and petitioner's grandmother to usurp the above mentioned properties.

2.3 The father and grandmother of the petitioner fearing coercion from M.E.Ganesan, left Vellanur village and settled at Melpakkam, Morai Post. Subsequently, the above mentioned properties was settled in favour of the petitioner through settlement deed on the file of SRO, Avadi. Thereafter, the petitioner went to the above said property and found that the property had been alienated to third parties. Upon verification it was found that M.E.Ganesan had usurped the property by way of creating a fake irrevocable Power of Attorney by forging the signatures of Varadhammal, Chengalvarayan and the petitioner, represented by the petitioner's natural guardian (i.e.) the petitioner's mother Kasthuri.

2.4 Upon learning the above said facts, the petitioner verified the revenue records and it was found that the survey numbers 347/3, 347/7 and 347/12 were subdivided and the Patta vide No. 587, 565 and 584. As such all the above three Patta reflects the name of subsequent purchasers and the name of petitioner's grandfather i.e. Kuruvappa Chettiar. Thereafter, the petitioner had approached the revenue authorities i.e. the first respondent herein to delete the name of all the subsequent purchasers and M.E.Ganesan.

2.5 On 27.06.2011 a representation was made by the petitioner to the District Collector, Tiruvallur to recover the property from M.E.Ganesan and subsequent purchasers and further requested to mutate the revenue records in name of the petitioner in lieu of the Settlement Deed executed in favour of the petitioner. On 01.02.2012, the petitioner made a representation to the Revenue Divisional Officer, Ponneri to mutate the revenue records in the name of the petitioner. Thereafter, the RDO, Ponneri directed the Tahsildar, Ambattur to conduct an enquiry based upon the documents and revenue records pertaining to S.Nos.347/3, 347/7, 347/12 and further directed him to forward the enquiry to the Revenue Divisional Officer, Ponneri.

2.6 As per the direction of the Revenue Divisional Officer, Ponneri the Tahsildar, Ambattur conducted a detailed enquiry based upon the revenue records such as the A-register Extract, Patta, Chitta, Adangal and documents came to a conclusion that the above mentioned M.E.Ganesan had made a forged irrevocable Power of Attorney vide Doc.No. 34 of 1985, dated 25.02.1985 on the file of SRO, Poonamallee. Moreover, it was also found that all the revenue records reflected the name of petitioner's grandfather.

2.7 The Tahsildar, Ambattur further stated that the land in the said survey numbers were vacant and the Patta has only been mutated in the name of subsequent purchasers and M.E.Ganesan which itself proves that M.E.Ganesan had forged and fraudulently sold the entire extent of acre 3.06 Cents and the Tahsildar, Ambattur forwarded the same to Revenue Divisional Officer, Ambattur vide Proceedirgs No. Na.Ka.5126/2012 C3, dated 18.05.2013.

2.8 Even after receipt of the same, the Revenue Divisional Officer, Ambattur had not passed any final orders in petitioner's appeal dated 01.02.2012. Thereafter, the Taluk was bifurcated and at present the Vellanur Village comes under Avadi Taluk and hence Revenue Division Office, Avadi i.e. the first Respondent has to pass final orders in petitioner's representation dated 01.02.2012. As such the inquiry report of the Tahsildar, Ambattur was forwarded on 18.05.2013, but till date no further orders has been passed. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. The learned counsel for the petitioner submitted that based on the report of the second respondent/Tahsildar, Ambattur Taluk (after bifurcation, jurisdiction of the Tahsildar is Avadi Taluk) vide Na.Ka.5126/2012 C3, dated 18.05.2013, the third respondent/District Revenue Officer has conducted an enquiry on 25.06.2024 and the petitioner has appeared and the statement was also recorded by the third respondent/District Revenue Officer.

4. The learned Government Advocate appearing for the respondents submitted that this Court may grant three weeks time to conclude the enquiry proceedings by the first respondent/Revenue Divisional Officer.

5. In view of the above submission made by the learned Government Advocate appearing for the respondents, this Court is inclined to direct the first respondent/Revenue Divisional Officer to conclude the enquiry proceedings within a period of six weeks from the date of receipt of copy of this Order. If the findings of the enquiry officer are in favour of the petitioner, the second respondent is directed to mutate the revenue records pertaining to S.Nos.347/3, 347/4, 347/12 of Vellanur Village, Avadi Taluk and Tiruvallur District.

6. The writ petition is disposed of with above said observations and directions. No costs.

28.06.2024

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

J.SATHYA NARAYANA PRASAD, J.

nsl

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