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WP.No.35538 of 2024

In the High Court of Judicature at Madras

Dated : 02.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35538 of 2024

T.Ivans

Vs

...Petitioner

1.State rep.by the Secretary
to Government, Revenue
Disaster Management
Department, Fort St.George,
Chennai-9.

2.The Commissioner, Land
Survey & Settlement,
Chepauk, Chennai-5.

3.The District Collector,
Singaravelar Maligai,
Rajaji Salai, Chennai-1.

4.The District Revenue Officer,
Singaravelar Maligai,
Rajaji Salai, Chennai-1.

5.The Revenue Divisional Officer,
South Chennai, Revenue
Division, Guindy, Chennai-32.

6.The Tahsildar, Office of the
Tahsildar, Velacherry,
Chennai-42.

...Respondents



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PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the fourth respondent to dispose the petitioner's appeal dated 26.9.2024 against the impugned order passed by the fifth respondent in Na.Ka.No.A4/306/ 2024 dated 12.9.2024 within stipulated time.

For Petitioner : Mr.K.Natarajan
For Respondents : Mr.M.R.Gokul Krishnan, AGP

ORDER

Seeking a Mandamus to the fourth respondent to dispose of the petitioner's appeal dated 26.9.2024 preferred against the order passed by the fifth respondent dated 12.9.2024, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The case of the petitioner is as follows :

(i) An extent of 3,153 sq.ft. comprised in Survey No.164/1A1AC, plot No.8, Ayothiya Colony, Velacherry, Chennai-42 belonged to one Mr.D.V.Ramana. He sold an extent of 1,526.5 sq.ft. to the petitioner on 09.11.2011 registered as doc.No.6270 of 2011 on



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the file of the Sub-Registrar, Velacherry through his power agent - one Ms.G. Maheswari. It appears that there was an exchange of lands amongst the petitioner's family members and the petitioner obtained necessary planning permission for construction and the electricity service connection and has been paying the tax in respect of the property owned by him.

(ii) When the petitioner verified the computerized revenue records, instead of the name of his vendor namely the said Mr.D.V. Ramana, the name of one Mr.Raju has been wrongly mentioned. Hence, the petitioner made a request on 23.2.2024 to the fourth respondent to remove the name of the said Mr.Raju from the patta and include the name of the original owner - the said Mr.D.V.Ramana. Thereafter, the subject property was inspected by the revenue officials and a report was sent to the sixth respondent. Pursuant to that, the fifth respondent had called for the file bearing TR/3215/2010 - 2011 from the Tahsildar, Guidy to his office. But, a reply was sent that no such file was available while searching. Once again, the fifth respondent called for the report from the sixth respondent to the send the file in question. In turn, the sixth respondent also sent the same reply.

(iii) Subsequently, the petitioner made several representations to various officials seeking patta in his name after removing the



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name of the said Mr.Raju. On the petitioner's application for the grant of patta, an inquiry report was called for from the sixth respondent, who, accordingly forwarded an inquiry report dated 23.1.2024.

(iv) On 11.7.2024, the fifth respondent issued summons to the petitioner to appear for an inquiry on 31.7.2024, in which, the petitioner also appeared and handed over the documents and they were received by the fifth respondent. Thereafter, the order dated 12.9.2024 came to be passed by the fifth respondent rejecting the petitioner's request to remove the name of the said Mr.Raju and to issue patta in the name of the said Mr.D.V.Ramana. Challenging the order of the fifth respondent dated 12.9.2024, by which, the request of the petitioner was turned down, the petitioner filed an appeal before the fourth respondent on 26.9.2024. This appeal has not yet been taken up for inquiry till date and has been simply kept pending. Hence the writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

5. Considering the prayer sought in this writ petition and the narration of the facts stated supra, the writ petition is allowed and a



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Mandamus is issued to the fourth respondent to dispose of the petitioner's appeal dated 26.9.2024 within a period of two months from the date of receipt of a copy of this order. No costs.

02.12.2024

To

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