



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.08.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.15567 of 2015

R.Kanagaraj

...Petitioner

Vs.

1.The District Revenue Officer,
Theni,
Theni District.

2.The Tahsildar,
Theni Taluk,
Theni,
Theni District.

3.The Head Surveyor,
Theni Taluk,
Theni,
Theni District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents 2 and 3 to make mutations in field measurement book for survey No.235/2 Upparpatti Village based on the proceedings of the second respondent in Na.Ka.No.8744/14/A8, dated 13.11.2014 within a time frame as fixed by this Court.

For petitioner : Mr.V.Perumal

For Respondents : Mr.M.Murugan,
Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents 2 and 3 to make mutations in field measurement book for survey No.235/2 Upparpatti Village based on the proceedings of the second respondent in Na.Ka.No.8744/14/A8, dated 13.11.2014 within a stipulated time.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondent.

<https://hcservices.courts.gov.in/hcservices/> By consent, this Writ Petition itself is taken up final disposal.



4. It is averred in the petition filed in support of the Writ Petition that the mother of the petitioner and her sister Kunjarathammal are the owners of the land measuring an extent of 4.96 acres and out of which, 2.91 ½ acres of land was given to the mother of the petitioner and 2.04 ½ were given to Kunjarathammal, by way of a judgment and decree, dated 11.02.1975, made in O.S.No.350/1973 on the file of the Sub-Court, Dindigul. Subsequently, the mother of the petitioner by a registered settlement deed, dated 06.03.1976, gave possession of her share of the lands. The property given to the parental aunt Kunjarathammal was sold by her to an extent of 1.55 Acres to one Gnanarani and 49 ½ cents to one Tmt. Meenambal and Harikalan and Mohan. The said Gnanarani, who purchased 1.55 acres, converted the land into house plots and sold to one Pandi and Saikumaravelu. While the matter stood thus, the said Pandi, who purchased the property from Gnanarani, tried to put basement in the petitioner's land and when the petitioner enquired with the revenue officials, it was understood that the original Survey No.235 was sub-divided into 235/1 and 2 during the UDR Scheme and the petitioner's property measuring to an extent of 1.18.0 hectare in Sy.No.235/2 has been wrongly entered as 0.92.5 hectare. Similarly, the petitioner's paternal aunt Kunjarathammal owns only an extent of 0.82.5 hectares, but entry has been wrongly made in the UDR Survey to an extent of 1.08.00 hectare. The first respondent is the Authority to rectify the errors in the UDR Scheme and hence, the petitioner made an application to the first respondent on 24.02.2015 for rectification. The same was forwarded to the second respondent. In turn, the same was forwarded to the third respondent. Since there was no action on the application filed by the petitioner, he filed W.P(MD)No.584 of 2014, in which this Court vide order, dated 10.01.2014, directed the first respondent to consider the representation of the petitioner, dated 11.12.2013 and pass appropriate orders on merits and in accordance with law after giving an opportunity to all parties concerned, who are interested in the land in question, within a period of eight weeks from the date of receipt of a copy of this order. Based on the said order, the first respondent gave a direction to the second respondent for rectification. But there was no action on the part of the second respondent. Hence, the petitioner has made representation on 15.04.2015 to the second respondent. The said representation was not considered so far.

5. Heard the learned Government Advocate and perused the materials available on record.

6. Though a positive direction was sought for in the Writ Petition directing the respondents 2 and 3 to make mutations in field measurement book for survey No.235/2 Upparpatti Village, the proceedings of the second respondent in Na.Ka.No.8744/14/A8, dated 13.11.2014, this Court is of the view that such a positive direction cannot be given. The petitioner



has already given a representation to the second respondent on 15.04.2015. Hence, it is appropriate to direct the second respondent to consider the same.

7. Accordingly, without going into the merits of the matter, this Court directs the second respondent to consider the representation of the petitioner, dated 15.04.2015, on merits and in accordance with law, and pass appropriate orders, by affording an opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

PM

To

- 1.The District Revenue Officer, Theni, Theni District.
- 2.The Tahsildar, Theni Taluk, Theni, Theni District.
- 3.The Head Surveyor, Theni Taluk, Theni, Theni District.

+one cc to M/s.V.Peruaml, Advocate in SR.No.49676

+one cc to The Special Government Pleader, SR.No. 50031

W.P(MD).No.15567 of 2015
28.08.2015

CSL/SKS-RR/SAR(J)/07.09.2015
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