



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.17898 of 2015

A. KARUPPASAMY

... Petitioner

Vs.

- 1 THE DISTRICT REVENUE OFFICER
TIRUNELVELI DISTRICT.
- 2 THE REVENUE DIVISIONAL OFFICER
TIRUNELVELI DISTRICT.
- 3 THE TAHSILDAR
SANGARANKOVIL TALUK, TIRUNELVELI DISTRICT. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to rectify the entries in Patta No. 870 and to issue a Joint Patta to the land comprised in S.No. 374/ 1A1 of Kuwalaikani Village, Sangarankovil Taluk by considering the petitioner's representation dated 9.3.2015 within a stipulated time that may be fixed by this Honourable Court.

For Petitioner ... Mr.R.Rajamohan

For Respondent ... Mr.M.Murugan

Government Advocate

ORDER

The writ petition has been filed for issuance of Writ of Mandamus directing the respondents to rectify the entries in Patta No. 870 and to issue a Joint Patta to the land comprised in S.No.374/1A1 of Kuwalaikani Village, Sangarankovil Taluk by considering the petitioner's representation dated 9.3.2015 within a stipulated time that may be fixed by this Court.

2. It is averred in the affidavit filed in support of this petition that the punja land comprised in S.No.374/1A1 of Kuwalaikani Village, Sankarankovil Taluk, measuring to an extent of 1.37 acres is the petitioner's ancestral property. After the demise of the petitioner's father, the petitioner and his brother inherited the said property. They are jointly enjoying the said property without any encumbrance. In S.No.374/1A1 of Kuwalaikani



Village, Sankarankovil Taluk, out of the total extent of 1.87 acres, 1.37 acres belongs to the petitioner and his brother and the remaining 50 cents belongs to one Rathnam, who is the adjacent land owner and his portion is situated on the northern side of S.No.374/1A1. As per the revenue records, patta for the said land was assigned as patta No.870. While the UDR resurvey, the entire land comprised in S.No.374/1A1, stands in the name of the adjacent land owner Rathnam and the petitioner's father's name was left out. This fact came to the knowledge of the petitioner, when the petitioner and his brother mutually agreed to enter into a partition this year. Hence, he applied to the 3rd respondent to rectify the mistakes committed in the UDR resurvey and to issue a joint patta by including his name and his brother's name as joint owners. But the same was not considered. Thereafter, the petitioner approached the second respondent, on 24.02.2014 and the second respondent, in turn directed the third respondent to conduct an enquiry and to send a detailed report. Even after the specific direction given by the 2nd respondent, no enquiry was conducted till date on the side of the 3rd respondent and hence, on 09.03.2015, the petitioner gave a representation to the 2nd respondent to consider his grievance. Thereafter only, on 02.04.2015, the third respondent issued a summon to the petitioner to appear before him for enquiry pertaining to UDR resurvey entries. Thereafter, no enquiry was conducted by the third respondent. Hence, on 06.07.2015, the petitioner sent a detailed representation to the 1st respondent to correct the entries made in Sy.No.374/1A1. Even after that, no action has been taken. Hence, he has come forward with the present writ petition.

3. Heard the submissions made on either side and carefully perused the materials available on record.

4. Considering the above submissions made on either side, without going into the merits of the claim of the petitioner, this Court directs the first respondent to consider the representation of the petitioner dated 06.07.2015, by affording an opportunity of hearing to all the necessary parties and pass appropriate orders, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar



To

1 THE DISTRICT REVENUE OFFICER
TIRUNELVELI DISTRICT.

2 THE REVENUE DIVISIONAL OFFICER
TIRUNELVELI DISTRICT.

3 THE TAHSILDAR
SANGARANKOVIL TALUK, TIRUNELVELI DISTRICT.

+1cc to Mr.R.Rajamohan, Advocate Sr.No.58352

+1cc to Spl.GOvernemnt Pleader Sr.No. 58614

vs

AA/JGB/13.10.2015/3p-6c

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