

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-02-2016

Coram :

THE HONOURABLE MR. JUSTICE R. SUBBIAH

Writ Petition No. 10377 of 2014

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P. Rangan

.. Petitioner

Versus

1. The District Collector
Office of the District Collector
Tirupur District

2. The Thasildhar
Office of the Thasildhar
Avinashi Taluk
Tirupur District

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondents to consider and dispose of the petitioner's representation dated 08.03.2013 and consequently directing the respondents to consolidate all sub division of survey numbers in pursuant to survey number 318/1 in Kupbandampalayam Village, Avinashi Taluk, Tirupur District

For Petitioner : Mr. E.D. Sethupathi

For Respondents : Mr. P. Sanjay Gandhi
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus directing the respondents to consider and dispose of his representation dated 08.03.2013 and consequently directing the respondents to consolidate all sub division of survey numbers in pursuant to survey number 318/1 in Kupbandampalayam Village, Avinashi Taluk, Tirupur District.

2. According to the petitioner, the land in Survey No.318/1 in Kupbandampalayam Village, Avinashi Taluk, Tirupur District measuring 7.14 acres belonged to his family members and it is in possession of the members of his family jointly. Out of the total extent of 7.14 acres of land, the family members of the petitioner have alienated half of the portion of the property by means of a registered sale deed and the remaining half share i.e., 3.57 acres of land is being retained and enjoyed by the petitioner and his family members. The

grievance of the petitioner is that the name of the petitioner and others, who are entitled to the land measuring 3.57 acres has not been incorporated in the revenue records and in the patta. It is also the grievance of the petitioner that the second respondent has sub-divided the land in Survey No.318/1 in to various sub-divisions and unless the name of the petitioner and others is also incorporated in the revenue records in respect of the land measuring 3.57 acres in Survey No.318/1, they could not effectively assert a right over the same. In this context, the petitioner has given a representation dated 08.03.2014 to the respondents reiterating his above request, but there is no response, hence, he has filed this writ petition.

3. I heard the counsel for both sides and perused the records. Having regard to the nature of relief sought for in this writ petition, even though no positive direction could be issued by this Court, since the representation dated 08.03.2014 submitted by the petitioner is pending without any orders passed thereon, I am only inclined to issue a direction to the petitioner to send a fresh representation to the second respondent and on receipt of the same, the second respondent shall consider it and pass orders on its own merits.

4. Accordingly, the writ petition is disposed of with a direction to the petitioner to submit a fresh representation to the second respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation from the petitioner, the second respondent is directed to consider it and to pass orders thereon on merits and in accordance with law within a period of eight weeks thereafter. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Office of the District Collector
Tirupur District

2. The Thasildhar
Office of the Thasildhar
Avinashi Taluk
Tirupur District

+1 cc to Mr.E.D.Sethupathi, Advocate, sr.9946