

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.11515 of 2016

E.P.Senniyangiri

.. Petitioner

Vs.

The District Revenue Officer,
Erode District,
Erode.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to dispose of the representation dated 10.12.2012 within the time stipulated by this Court.

For Petitioner : Mr.R.Raja Rajan

For Respondent : Mr.S.Navaneethan,
Addl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to dispose of the representation dated 10.12.2012 within the time stipulated by this Court.

3. It is the case of the petitioner that he is a practicing Advocate. Adjacent to his agricultural land in S.F.No.330, Ennamangalam Village, Anthiyur Taluk, Erode District, there exists a Bund measuring to an extent of 1.5 Acres. A road also passes through the said filed, which is being used by the petitioner and other general public to access his agricultural lands. The said Bund prevents the overflow of water from the stream that comes from western ghats during the rainy season. While so, the petitioner came to know that the revenue records were altered as if the said filed belongs to some private persons. Hence, the petitioner gave a complaint to

the respondent on 3.2.2012 and the respondent conducted an enquiry. The enquiry reveals that the manual corrections carried out in the RSR records is only a mischief carried out by some of the level revenue officials, without any order from the Government. The respondent forwarded the enquiry report to the Sub Collector, Gobi for detailed enquiry, who in turn, directed the Tahsildar, Anthiyur to conduct enquiry and to send a report. The Tahsildar, Anthiyur has also conducted an enquiry and sent a report stating that the manual corrections made in 'A' Register were bogus and no assignment was given to anyone. After verification, the Sub Collector, Gobi endorsed the report and forwarded the same to the respondent herein. In these circumstances, one Suresh, who handled the said file four years ago, is now able to access the file. Hence, the petitioner requested the respondent to transfer the file to any other section and the respondent has also instructed one Ponraj, the Assistant Director of Survey to handover the file. However, the said Ponraj has also manipulated the file by mentioning that the petitioner gave petition for having issued patta wrongly in respect of the said land. Therefore, elucidating all the allegations, the petitioner gave a complaint dated 8.2.2016 to the District Collector, Erode seeking necessary action. But, the same was not considered. Now, the file is with the respondent, who is supposed to pass final orders based on the recommendations made by the Sub Collector, Gobi. Though the petitioner approached the respondent number of times, he has not passed on any orders. Finally, the petitioner gave a representation dated 10.12.2012 to the respondent and the same was also not considered. Hence, left with no other alternative, the petitioner has come up with the present writ petition seeking a direction to the respondent to dispose of the representation dated 10.12.2012 within the time stipulated by this Court.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a fresh representation, along with a copy of this order to the respondent, to the respondent within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of twelve weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to consider the claim of

the petitioner strictly on merits and in accordance with law.
The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

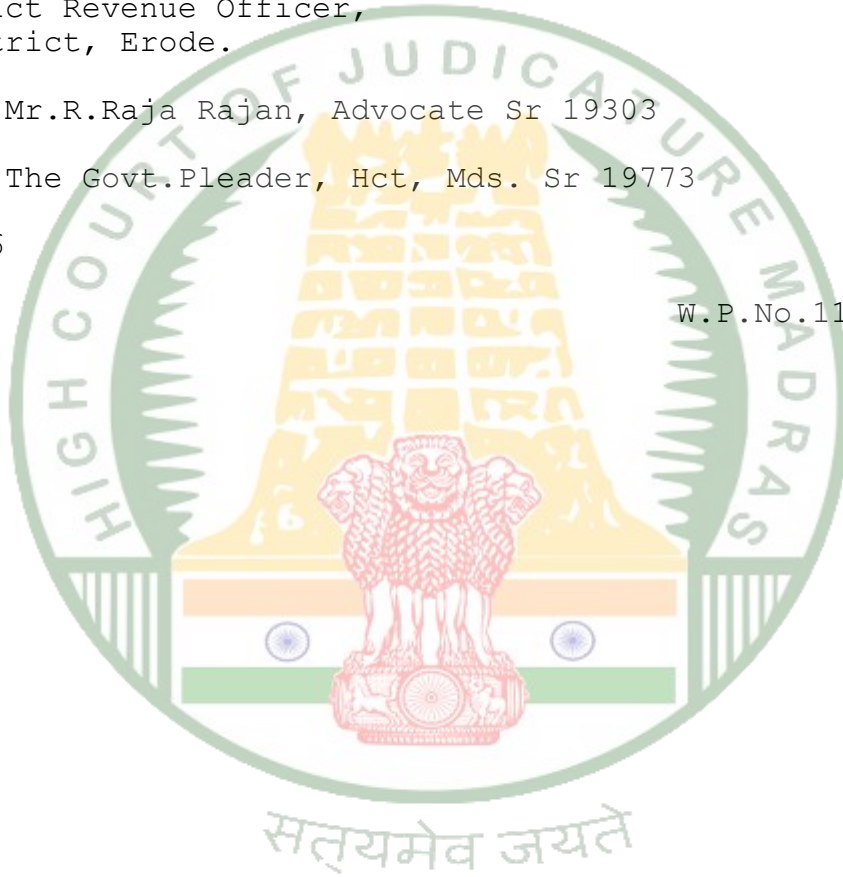
The District Revenue Officer,
Erode District, Erode.

+ 1 cc to Mr.R.Raja Rajan, Advocate Sr 19303

+ 1 cc to The Govt.Pleader, Hct, Mds. Sr 19773

KR/13/4/16

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