

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.12175 of 2016

Thilagavathi

... Petitioner

vs.

1.The District Collector,
Collectorate office,
Nallipalayam,
Namakkal - 637 003.

2.The District Revenue Officer,
Collectorate office,
Nallipalayam,
Namakkal - 637 003.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to correct the entries in the revenue record relating to Town Survey No.71 and older S.No.199/4 in the name of the petitioner and her uncle and issue patta as directed in O.S.No.931/2004 on the file of the District Munsif, Thiruchengode.

For Petitioner : Mr.J.Srinivasa Mohan
For Respondents : Mr.S.Navaneethan, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to correct the entries made in the revenue records relating to Town Survey No.71 and old S.No.199/4 in the name of the petitioner and her uncle and consequently issue patta, pursuant to the judgment and decree made in O.S.No.931/2004 passed by the Principal District Munsif, Thiruchengode.

2. It is the case of the petitioner that her grandfather Chinna Thambi Padayachi had purchased the land measuring to an extent of six cents in Old S.No.199/4 in the year 1945 and after his death, the said land devolved upon the petitioner's father and his brother. However, during the UDR Scheme, the said land was mistakenly noted as 'Road' and was recorded as 'under the control of National Highways'. After

coming to know about the same, the petitioner's father and his brother had filed a suit in O.S.No.828/2003 before the Sub Court, Namakkal, for the relief of declaration and for consequential permanent injunction. Later on, the said suit was transferred to the file of the Principal District Munsif Court, Tiruchengode and was renumbered as O.S.No.931 of 2004. After due contest, the suit was decreed by a judgment and decree dated 21.06.2011, thereby, the changes made in the Government records with regard to the land in question were declared as invalid and permanent injunction was granted against the defendants therein viz., Revenue and Highways departments from in any way demolishing the building put up therein. After the death of her father on 21.11.2012, the petitioner has taken steps by way of a representation dated 10.02.2013 to the respondents, requesting them to correct the said mistake and issue patta in her name and also in the name of her uncle, as per the judgment made in the civil suit. On receipt of the same, enquiry was conducted by both the Revenue and Highways Department. Thereafter, a notice dated 19.08.2015 came to be issued by the second respondent, calling upon the petitioner to appear in person with supporting documents. Accordingly, she appeared before the second respondent on 27.08.2015 and made her submission. Though the enquiry was conducted on that day i.e., 27.08.2015, till date, no order has been passed by the respondents. Hence, the petitioner made a representation dated 14.03.2016 and the same is pending without any progress. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials placed before this court.

4. Considering the facts and circumstances of the case, this Court directs the second respondent to conduct enquiry on the petitioner's representation dated 14.03.2016 by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders, with regard to correction of the entries made in the revenue records and consequently, grant patta in respect of the land in Town Survey no.71 and Old S.No.199/4 in the name of the petitioner and also in the name of her uncle, on merits and in accordance with law and also in the light of the judgment made in O.S.No.931 of 2004 dated 21.06.2011 passed by the Principal District Munsif, Thiruchengode. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

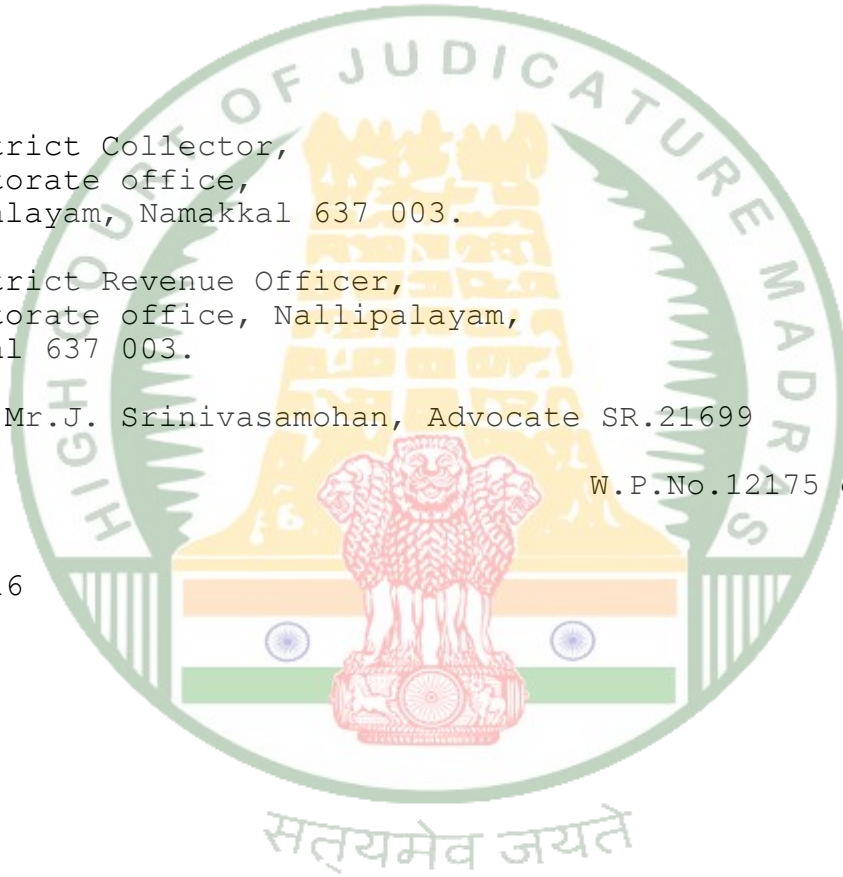
1.The District Collector,
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2.The District Revenue Officer,
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+ 1 cc to Mr.J. Srinivasamohan, Advocate SR.21699

W.P.No.12175 of 2016

SVI (CO)
Eu 22.04.16



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