

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.4.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.15383 of 2016

Muniyappan

... Petitioner

- Vs.
1. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
 2. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.
 3. The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.
 4. Madhu

.... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent herein to consider the petitioner's representation dated 29.9.2015 to rectify the mistake entry made in the patta of the petitioner by deleting the name of the 4th respondent therein in respect of the petitioner's land in S.No.23/4 of an extent of 0.38.5 Hectares (0.95 Acres) situated in Kuppur Village, Dharmapuri Taluk and District and also make necessary entries in the Revenue Records in favour of the petitioner.

For Petitioner : Mr. D.Baskar

For Respondent : Mrs. P. Rajalakshmi
Govt. Advocate

O R D E R

By consent, the Writ Petition is taken up for hearing at the stage of admission itself.

2. The petitioner has come forward with this Writ Petition seeking for a mandamus upon the 2nd respondent herein to

consider the petitioner's representation dated 29.9.2015 to rectify the mistake entry made in the patta of the petitioner by deleting the name of the 4th respondent therein in respect of the petitioner's land in S.No.23/4 of an extent of 0.38.5 Hectares (0.95 Acres) situated in Kuppur Village, Dharmapuri Taluk and District and also make necessary entries in the Revenue Records in favour of the petitioner.

3. According to the petitioner, the land in Survey No.23/4, measuring 0.38.5 Hectares in Kuppur Village, Dharmapuri Taluk belongs to his father who acquired the same under a registered sale deed dated 9.4.1962 vide Document No.1100/1962 at Sub Registrar Office, Dharmapuri. The petitioner and his family are in continuous possession and enjoyment of the above said property without any interference ever since the date of purchase and in the said land, they are cultivating various agricultural crops for their livelihood.

4. Whiles, the petitioner came to know that the computerized patta in respect of S.No.23/4 measuring Hec.0.38.5 stands in the name of 4th respondent who is neither having title, nor having possession in respect of the aforesaid survey number and he is a stranger to their land. On enquiry, it came to light that the mistake has happened by making a wrong entry at the time of updating the records by the revenue department. Hence on 29.9.2015, the petitioner made a representation to the respondents 1 to 3 to rectify the wrong entry made in the Revenue Records and delete the name of the 4th respondent. The 2nd respondent through his letter dated 30.10.2015, directed the 3rd respondent to conduct enquiry and submit a report, however, the 3rd respondent has not taken any action on the petitioner's representation and the same is kept still pending. Therefore, the petitioner again made another representation on 2.11.2015 to the 1st respondent and the 1st respondent has again forwarded his representation to the 3rd respondent with an instruction to conduct enquiry and report to him within a fortnight. Despite the same since the 3rd respondent has not made any steps to hold enquiry in the matter, the petitioner has filed the present Writ Petition before this Court.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents 1 to 3.

5. In view of the submissions of learned counsel for petitioner, this Court, directs the third respondent viz., the Tahsildar, Dharmapuri District to conduct enquiry on the representation of the petitioner dated 29.9.2015, which was forwarded by the 2nd respondent viz., the Revenue Divisional Officer, Dharmapuri, Dharmapuri District and submit a report to the 2nd respondent. Thereafter, the 2nd respondent is directed to

pass appropriate orders with regard to rectification of mistake entry made in patta of the petitioner in respect of petitioner's land in S.No.23/4 measuring extent of 0.38.5 Hectares (0.95 Acres) on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as to the 4th respondent. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents 2 and 3 to decide the matter purely on merits. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.
msr

-s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
2. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.
3. The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.

+ 1 cc to M/s.R.Thamaraiselvan, Advocate SR 26159

+ 1 cc to Govt.Pleader SR 26654

mp(co)
prk6/6

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