

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15781 of 2016
and W.M.P.No.13705 of 2016

K.P.Mahalingam

... Petitioner

vs.

1.The Sub Collector,
Collector Office, Pollachi,
Coimbatore District.

2.The Tahsildar,
Tahsildar Office, Pollachi,
Coimbatore District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent herein to dispose of the petitioner's representation dated 15.03.2016 by rectifying the mistakes and to make the entry in revenue records to the effect that the land comprised in S.F.No.61/1A2B of Ayyampalayam Village, Pollachi Taluk, Coimbatore District, measuring an extent of 1.59.5 acres belonging to the petitioner as agricultural land.

For Petitioner : Mr.P.Muthukrishnan

For Respondents : 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 second respondent to dispose of his representation dated 15.03.2016 by rectifying the mistakes and to make the entry in revenue records to the effect that the land comprised in S.F.No.61/1A2B of Ayyampalayam Village, Pollachi Taluk, Coimbatore District, measuring an extent of 1.59.5 acres belonging to him as agricultural land.

3. It is the case of the petitioner that he has purchased half share of agricultural land comprised in S.F.No.61/1A2B of Ayyampalayam Village, Pollachi Taluk, Coimbatore District, measuring to an extent of 3.19 acres from one Sakthivel by way of sale deed dated 19.12.1996 registered as document No.1564/97 on the file of Sub Registrar, Pollachi. Ever since the date of purchase, he has been in peaceful possession and enjoyment of the same. On the basis of the said purchase, the petitioner applied for sub division of the survey number and to grant patta in his name, pursuant to which, sub division was made and his land was assigned with S.F.No.61/1A2B. Patta was also issued to the petitioner in respect of the said property in patta No.213 and the revenue records were also mutated in his name in respect of the said property. While so, now he came to know that the second respondent has erroneously classified his land as Natham land. Hence, immediately he made a representation to the first respondent on 8.2.2016 to take appropriate action for rectifying the mistake committed by the second respondent. Since there was no response for the said representation, again he sent a representation dated 15.3.2016 to the respondents. But, so far, no action was taken on the said representation also. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

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 respondents.

5. Considering the facts and circumstances of the case, and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 15.3.2016 and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the other necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the second 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbi

To

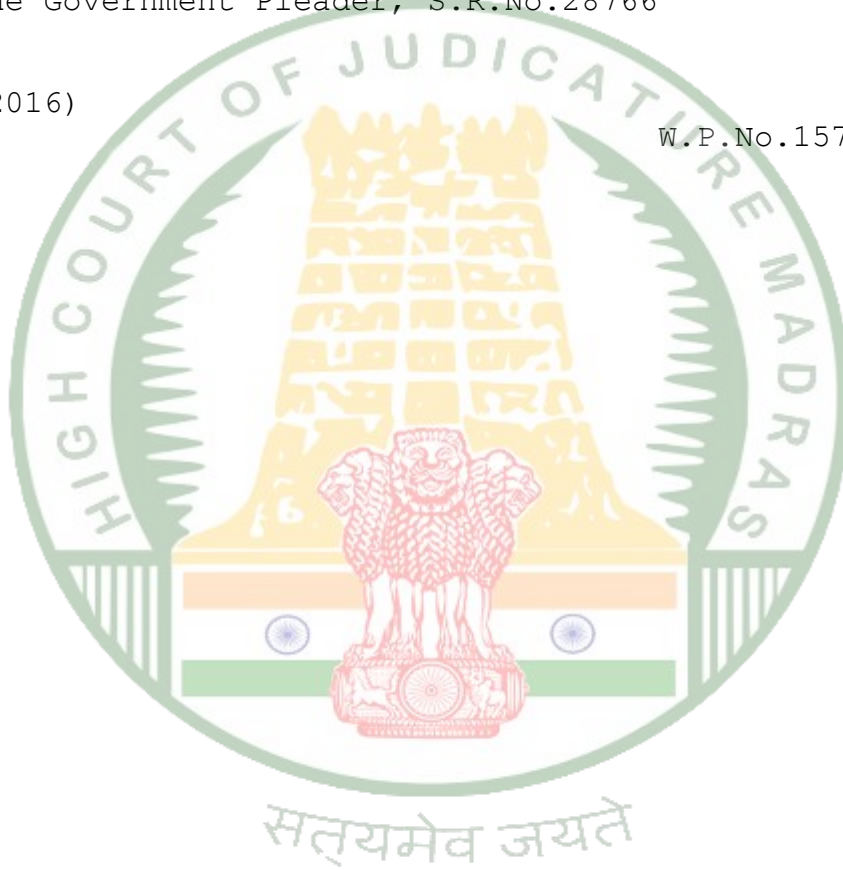
1.The Sub Collector,
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Coimbatore District.

2.The Tahsildar,
Tahsildar Office, Pollachi,
Coimbatore District.

+1cc to the Government Pleader, S.R.No.28766

RSY(CO)
EU(31/05/2016)

W.P.No.15781 of 2016



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