

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.16470 of 2016

Y.Radhika

..

Petitioner

Vs

The Tahsildar
Kangayam Taluk,
Kangayam, Tiruppur District.

..

Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 04.04.2016 within a stipulated time as this Court fixes, by taking note of document Nos.1.643.342.1397/1957 and 1.640.46. 1997/1956.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.S.V.Durai Solai Malai
Additional Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition seeking for issuance of a Mandamus upon the respondent to consider and pass orders on merits by disposing the representation made by the petitioner on 4.4.2016 within the time, as stipulated by this court, by taking note of Document Nos.1.643.342.1397/1957 and 1.640.46. 1997/1956.

2. According to the petitioner, his father Ramasamy Gounder, during his life time, has purchased 1.74 acres of land in S.Nos.903/A and 902/C situate at Sivanmalai Village, Kangayam Taluk in the year 1985. While implementing UDR scheme in the year 1986, the above said survey numbers have been changed as R.S.Nos.1124/4, 1124/5, 1124/6. When the R.S.Nos. changed over under UDR scheme, the 3rd respondent mistakenly made entries in

their registers and computers and village A-Register, the R.S.Nos.1124/4 is incorporated as Old S.Nos.903/A, 902/C and 903/B Part instead of Old.S.No.903/A and 902/C.

3. It is his further case that in respect of R.S.No.1124/5, the old Survey number has been wrongly mentioned as Old S.Nos.902/B and 903/B in the computers and in the village A-Register, but for R.S.No.1124/5, the actual old correct S.No. is S.No.903/A and in respect of R.S.No.1124/6, the old S.Nos has been mentioned in the computer as Old S.No.902/B and Village A-register as 903/B, but the correct old S.No. is 903/A for R.S.No.1124/6. In this connection, there are so many confusions and litigations arouse and in this regard, three civil suits have been filed by the petitioner and the adjacent land owners regarding boundaries and the same has been contested between the petitioner and the adjacent land owners.

4. The petitioner's husband made an application under the RTI Act with regard to Old S.Nos.903/A and 902/C and seeks information for correction in the old S.Nos. and R.S.Nos. The respondent furnished the information by way of communication, vide his communication No.1034/2016/S1, dated 14.3.2016 and accepted that the mistakes have been committed while making entry in the computer as well as Village A registers and assured that they would rectify the mistaken entries after verifying with old records and comparing with FMB and sale deeds, but they have not taken any steps to carry out such mistakes. Therefore, the petitioner made written representation along with chalan for measuring the lands in Old S.Nos.903/A and 902/C in so far relates to R.S.Nos.1124/4, 1124/5 and 1124/6 situate at Sivanmalai Village, Kangayam Taluk and requested the respondent to take note of document Nos.1.643.342.1397/1957 and 1.640.46.1997/1956 for measuring the land as per Old survey numbers, so as to enable the respondent to issue patta for correct measurement and R.S.Nos. and to solve the entire disputes. In this connection, the petitioner made a written representation on 4.4.2016 and made request to carry out the mistakes committed in the computer as well as in the Village A-Register, but so far, no order has been passed. In the circumstances, left with no other alternative, the petitioner has filed the present writ petition.

5. I have heard the submissions made by the learned counsel for petitioner and the learned Addl. Government Pleader appearing for the respondent.

6. It is seen that the representation given by the petitioner to the respondent on 4.4.2016 seeking to carryout the mistakes in computer as well as in Village A Register has been pending till date without initiating any action. Hence, this Court, without going into the merits of the case, is inclined

to direct the petitioner to give a fresh representation to the respondent enclosing all the relevant particulars along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on such representation, the respondent is directed consider the same and conduct enquiry and pass appropriate orders, after affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of six weeks thereafter.

7. With the above direction, this Writ Petition is disposed of . No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Tahsildar
Kangayam Taluk,
Kangayam, Tiruppur District.

+1cc to Mr.C.Prakasam, Advocate Sr.27989
+1cc to the Government Pleader Sr.28034

W.P.No.16470 of 2016

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