

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.23370 of 2016

B.Selvarani

... Petitioner

vs.

1.The Principal Secretary cum
Commissioner of Revenue
Administration,
Revenue Department,
Chepauk, Chennai-5.

2.The District Collector,
Collectorate, Salem.

3.The District Revenue Officer,
Collectorate, Salem.

4.The Revenue Divisional Officer,
Attur Taluk, Salem District.

5.The Special Tahsildar,
Attur Taluk and Post,
Salem District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 3 and 4 to consider the petitioner's representation dated 12.2.2016 and reminder representations dated 17.5.2016 and 24.6.2016 to correct and rectify the mistake in FMB sketch and A Register in bearing S.No.541/18 and T.S.No.43 which is situated in the Attur Taluk, Salem District belongs to the petitioner and issue patta in favour of the petitioner.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.R.Govindasamy,
Spl. 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 respondents 3 and 4 to consider her representation dated 12.2.2016 and reminder representations dated 17.5.2016 and 24.6.2016 to correct and rectify the mistake in FMB sketch and 'A' Register in bearing S.No.541/18 and T.S.No.43 which is situated in the Attur Taluk, Salem District belongs to her and issue patta in her favour.

3. It is the case of the petitioner that she is the absolute owner of the property bearing S.No.541/18 and T.S.No.43 situated in the Attur Taluk, Salem District, having purchased the same through Court auction in REP.No.36 of 2014 in O.S.No.117 of 2013 on the file of the District Munsif Court, Attur, and the same was registered in Sub Registrar Office, Attur. From the date of purchase, the petitioner is in possession and enjoyment of the said property. Subsequently, when the petitioner perused the revenue records, she came to know that her property was wrongly mentioned as pathway. Hence, immediately she made a representation dated 12.2.2016 and reminder representation dated 17.5.2016 to the respondents to rectify the mistake. But, so far, the respondents have not taken any action on the said representations. 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 Special 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 fifth respondent to consider the petitioner's representation dated 12.2.2016 and reminder representations dated 17.5.2016 and 24.6.2016, seeking to correct and rectify the alleged mistake found in FMB sketch and 'A' Register, bearing S.No.541/18 and T.S.No.43, situated in the Attur Taluk, Salem District, and seeking to issue patta in her favour, 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 six 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 fifth 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Principal Secretary cum
Commissioner of Revenue
Administration,
Revenue Department,
Chepauk, Chennai-5.
- 2.The District Collector,
Collectorate, Salem.
- 3.The District Revenue Officer,
Collectorate Salem.
- 4.The Revenue Divisional Officer,
Attur Taluk, Salem District.
- 5.The Special Tahsildar,
Attur Taluk and Post,
Salem District.

+1cc to Mr.A. Rajakumar, Advocate, S.R.No.37851
+1cc to the Government Pleader, S.R.No.38231

CA(CO)
EU(29/07/2016)

W.P.No. 23370 of 2016

WEB COPY