

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.14699 of 2010

G.Subramani

... Petitioner

Vs.

1. The Collector of Vellore District
Collectorate
Sathuvachari
Vellore - 9

2. The Tahsildar of Arakkonam Taluk
Arakkonam and Post,
Vellore District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India pleaded to issue a writ of mandamus or any other appropriate writ in the nature of direction directing the 2nd respondent to rectify his mistaken in the patta as well as F.M.B. has to be changed to S.F.No.322/5A1 is an extent of 0.08.0 Hec. instead of 0.02.0 Hec. and dry S.F.No.322/5A1 is to be shown in F.M.B. as situated immediately on the west of the land in dry S.F.No.50/4.

For Petitioner : Mr. A.Gouthaman

For Respondents: Mr. P.Sanjay Gandhi,
Addl.Govt.Pleader

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O R D E R

The prayer in the writ petition is for writ of mandamus directing the second respondent to rectify the mistake in the patta as well as F.M.B. to be changed to S.F.No.322/5A1 to an extent of 0.08.0 Hec., instead of 0.02.0 Hec and dry S.F.No.322/5A1 to be shown in F.M.B. as situated immediately on the west of the land in dry S.F.No.50/4.

2. Heard both sides.

3. Learned counsel for the petitioner submits that even though the prayer is only in respect of two survey nos. of the land belonging to the petitioner, who inherited the same, in so far as S.F.No.322/5A1 to an extent of 0.08.0 Hec., instead of 0.02.0 Hec and dry S.F.No.322/5A1 which are concerned, the second respondent has mistakenly made an entry in the patta as well including FMB sketch. Hence such a prayer is sought for.

4. The actual issue to be considered is what is the extent of land owned by the petitioner in various survey nos. and since there is a mistake in the patta and in the FMB sketch as per the revenue records. The petitioner had given a detailed representation through his lawyer on 07.04.2010 to the first and second respondents to rectify those mistakes. Though the said representation submitted through the lawyer was forwarded by the first respondent to the second respondent for necessary action by the proceedings of the first respondent dated 16.04.2010, the second respondent who is authority to consider the same, so far has not passed any orders for rectifying the mistake in the revenue records.

5. The learned counsel for the petitioner would submit that the petitioner would be satisfied if a direction is given to the second respondent to consider the representation dated 07.04.2010 as directed by the first respondent dated 16.04.2010 and pass a reasoned order there on.

6. Considering the said submission and the limited prayer sought for by the learned counsel for the petitioner, this Court is inclined to dispose of this writ petition with a direction to the second respondent to consider the representation submitted by the petitioner through his lawyer dated 07.04.2010, addressed both to the first respondent and second respondent, as the same having been forwarded by the first respondent vide his proceedings dated 06.04.2010, and decide the same on merits and in accordance with law, of course, by giving a reasonable opportunity of being heard to the petitioner and any persons who have rival claim over the said issue and pass a reasoned order within a period of three months from the date of receipt of a copy of this order.

7. With the aforesaid direction and observation, this writ petition is disposed of. In view of the order passed in the writ

petition itself, no further order is necessary in WMP.No.33022 of 2016 and the same is closed.

dpq

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

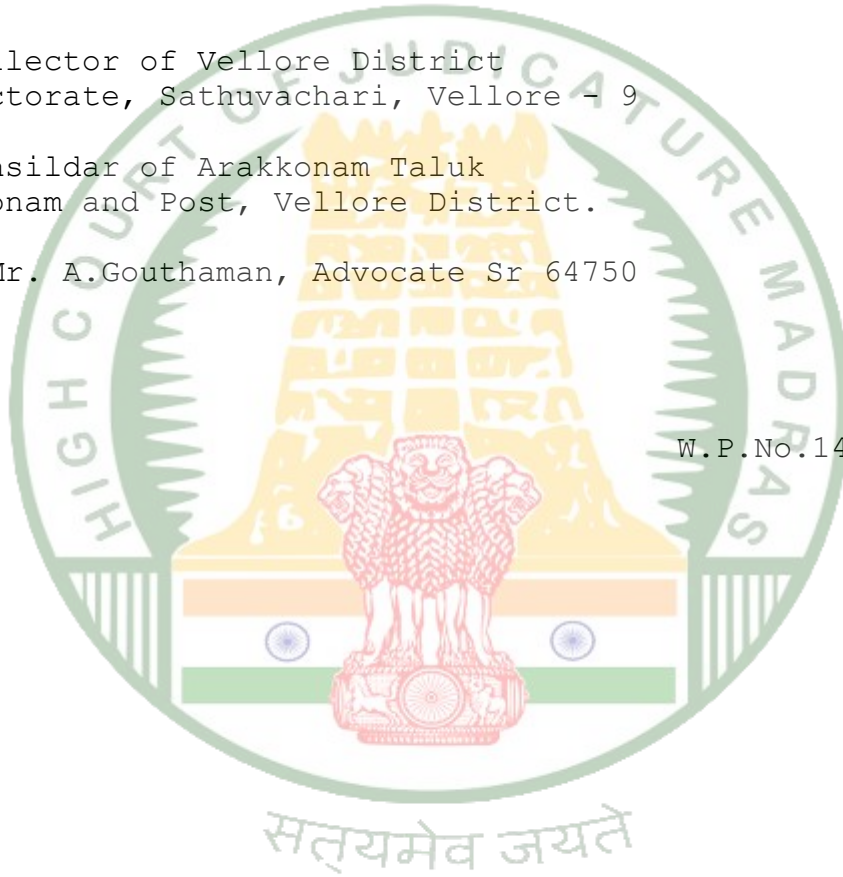
To

1. The Collector of Vellore District
Collectorate, Sathuvachari, Vellore - 9
2. The Tahsildar of Arakkonam Taluk
Arakkonam and Post, Vellore District.

+1 cc to Mr. A.Gouthaman, Advocate Sr 64750

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