

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.3457 of 2016

P.Arun

... Petitioner

vs

1. The District Collector
Namakkal District.

2. The Revenue Divisional Officer
Tiruchengode
Namakkal District.

3. The Tahsildar
Paramathivellore Taluk
Namakkal District.

4. Kaliyanna Gounder

5. Palanisamy

... 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 third respondent to include the petitioner's name in all the revenue records in respect of the property in S.No.200/1, 200/2, 200/4 situated at Madakasampatty Village, Paramathivellore Taluk by considering the petitioner's representation dated 26.11.2015.

For Petitioner : Mr.M.Elango

For Respondent : Mr.P.Sanjay Gandhi
Additional Govt.Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the third respondent to include the petitioner's name in all the revenue records in respect of the property situated in S.No.200/1, 200/2, 200/4 at Madakasampatty Village, Paramathivellore Taluk by considering the petitioner's representation dated 26.11.2015.

2. The case of the petitioner is that he is the absolute owner of the vacant land situated in S.No.200/1, 200/2, 200/4 at Madakasampatty Village, Paramathivellore Taluk to an extent of 0.01.5 hectare. The said property was originally belonged to his grand father and who executed the Settlement Deed in favour of the petitioner vide registered Settlement Deed dated 19.11.2014 and from the said date, he was in possession and enjoyment of the same. According to the petitioner, he had also changed the revenue records accordingly. While so, the petitioner's grand father has cancelled the Settlement Deed registered in his favour on 09.07.2015 unilaterally. Thereafter, the fourth respondent herein has executed another settlement deed dated 30.10.2015 in respect of the said land in favour of the fifth respondent herein, which was not acted upon. However to the shock and surprise of the petitioner, the fifth respondent had approached the third respondent and obtained an order for inclusion of his name in the Revenue Records based on the settlement deed executed by the fourth respondent and based on his request, the third respondent without conducting any enquiry or issuing notice has removed the petitioner's name in the revenue records. Therefore, he sent a representation dated 26.11.2015 to the second respondent requesting him to include his name in the Revenue records relating to patta Nos.38, 328 and 327 respectively, which was forwarded by him to the third respondent vide proceedings dated 14.12.2015 in Oo.Mu.No.5606/2015/Voo. But, till date, the same has not been considered by the third respondent. Hence the present writ petition.

3. Heard the learned counsel for the petitioner and Mr.P.Sanjai Gandhi, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3.

4. Though very many contentions have been raised by the petitioner in the writ petition, the learned counsel for the petitioner would ultimately submit that the present writ petition has been filed only seeking a direction to the third respondent to consider his representation dated 26.11.2015. He would further submit that the second respondent has already forwarded his representation to the third respondent vide his proceedings dated 14.12.2015.

5. In view of the above fact, the third respondent is directed to consider the representation of the petitioner dated 26.11.2015, which was forwarded by the second respondent vide his proceedings dated 14.12.2015, after affording an opportunity of personal hearing to the petitioner as well as to the respondents 4 and 5 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Namakkal District.
2. The Revenue Divisional Officer
Tiruchengode
Namakkal District.
3. The Tahsildar
Paramathivellore Taluk
Namakkal District.

+1 cc to Mr.M.Elango Advocate sr.6030
+1 cc to Government Pleader High Court Madras
sr.6951

W.P.No.3457 of 2016

bvr(co)
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