

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.3520 of 2016

K. Paneerselvam

... Petitioner

Vs.

1.State of Tamilnadu,
represented by the
District Collector,
Nagapattinam.

2.The Tahsildar,
Vedharanyam.

3. Rajarathinam

... 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 2nd respondent to dispose of the petitioner's representation dated 7.9.2015 within the time limit stipulated by this Court.

For Petitioner : Mr.S. Balasubramanian

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

सत्यमेव जयते

O R D E R

The Petitioner has come forward with this Writ Petition seeking for issuance of Mandamus upon the 2nd respondent to dispose of the petitioner's representation dated 7.9.2015 within the time limit that may be fixed by this Court.

2. According to the petitioner, the petitioner is owning agricultural lands at Katharipulam Pandiyadicutthagai Village, comprised in S.No.186/19, measuring 39.50 ares in patta No.983, punja land and Ayyan Punja lands in S.No.186/17 to an extent of 22.50 ares. The said lands were purchased by his father from one Kamachie Ammal through a registered sale deed dated

26.9.1943. Both properties are now under the possession and enjoyment of the petitioner. In the patta issued for both the lands, the 2nd respondent Tahsildar has wrongly entered the name of one Rasammal instead of petitioner's father Kumarasamy Gounder.

3. Whiles, one Rajarathinam, the 3rd respondent herein has purchased a property which lies adjacent to petitioner's property measuring an extent of 7 cents from one Subramaniya. When the said land was measured by the officials of 2nd respondent, 3 cents of land in S.Nos.186/19 and 186/17 from petitioner's property was added with 7 cents of property purchased by 3rd respondent and sale deed was executed as such and the property was surveyed by 2nd respondent and subsequently, patta was issued in favour of the 3rd respondent in sub division in S.No.186/13B along with 3 cents of land from petitioner's property in S.No.186/17 and 186/19.

4. It is the grievance of the petitioner that out of total extent of 62 ares under patta No.983 and 2536 belonging to petitioner in S.Nos.186/17 and 186/19, 3 cents of land was taken by the 3rd respondent and patta was also issued in his favour and the same was happened because of the wrong entry made by the respondents by adding the name of Rasammal in the revenue records. Hence the petitioner submitted a representation dated 7.9.2015 before the 1st respondent seeking to measure the lands and to rectify the defect. As he has not taken any steps on petitioner's representation, the petitioner issued a legal notice dated 12.10.2015 to the 1st and 2nd respondents for taking appropriate action on the representation given by the petitioner. Despite that, since the respondents 1 and 2 have not taken any steps to dispose of the representation of the petitioner dated 7.9.2015, he filed the present writ petition before this court.

5. I have heard the submissions made on either side.

6. Learned counsel for the petitioner submitted that though this writ petition has been filed seeking for a larger relief, it would suffice if the representation of the petitioner dated 7.9.2015 would be considered and necessary orders be passed by the respondents 1 and 2 within a time limit that may be fixed by this court.

7. Though very many issues have been raised in this writ petition, the prayer now sought for by the learned counsel for the petitioner is only to dispose of the representation made by the petitioner dated 7.9.2015 .

8. In view of the submissions of learned counsel for petitioner, this Court, in the interest of justice, without

going into the merits of the case, directs the respondents 1 and 2 to consider the representation of the petitioner dated 7.9.2015 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as to the 3rd respondent and to other interested parties, if necessary, within a period of eight weeks from the date of receipt of a copy of this order.

9. It is made clear that this court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is upon the 2nd respondent to consider and pass orders on the representation of the petitioner purely on merits.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The State of Tamilnadu,
represented by the
District Collector,
Nagapattinam.

2.The Tahsildar, Vedharanyam.

+ 2 ccs to Mr.S.Balasubramanian, Advocate Sr 10893

+ 1 cc to The Govt.Pleader, Sr 11027

KR/3/3/16

सत्यमेव जयते

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