

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 38148 of 2016

E. Muthu

.. Petitioner

Versus

The District Revenue Officer
Villupuram District
Villupuram

... Respondent

Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 16.07.2016 and pass necessary orders within the time stipulated by this Court.

For Petitioner : Mr. J.S. Arun Kumar

For Respondent : Mr. R.S. Selvam
Government Advocate

ORDER

The petitioner seeks for issuing a Writ of Mandamus directing the respondent to consider his representation dated 16.07.2016 and to pass orders thereon within the time to be stipulated by this Court. The said representation dated 16.07.2016 was submitted by the petitioner for changing the name incorporated in the patta in respect of the land measuring 2 acres in Survey No.184/2, Re-Survey No.179/1 in Edayanchavadi Village.

2. According to the petitioner, his great grand father Late. Ramasamy was the owner of the land measuring 2 acres in Survey No.184/2, Re-Survey No.179/1 bearing Patta No.370 in Edayanchavadi Village. His great grand father had three sons namely (i) Nadesan (ii) Sadhasivam and (iii) Deivasigamani. Being the eldest son, the patta No. 370 was issued in the name of Nadesan. The said Nadesan, who is the petitioner's grand

father, died on 06.01.1958. Similarly, the two other grand fathers of the petitioner also died and ultimately, the land in question came to be possessed by father of the petitioner Elumalai. The petitioner's father also died on 22.05.2009 and until his death, he was in peaceful possession of the land in question along with his family members. After the death of the petitioner's father, when the petitioner approached the respondent to mutate his name in the patta No.370, he was informed that in the revenue records, the name of a temple called "Arulmighu Pillaiyar Koil" is incorporated as against the land in question. The petitioner therefore submitted a representation on 18.07.2016 to the respondent seeking to effect change of name in the revenue record, but it was not considered, therefore, the petitioner has come up with this writ petition.

3. When the writ petition was taken up for admission on 03.11.2016, this Court directed the petitioner to produce necessary documents to prove his legal heirship with his great grand father Natesan, to produce some documents to show that he is in possession and enjoyment of the property in dispute and also to produce the patta. However, the petitioner has not produced such documents for consideration of this Court.

4. On the contrary, the learned Government Advocate, by placing reliance on the communication received by him on 05.11.2016 from the Tahsildar, Vanur, Villupuram District, would contend that on 05.11.2016, an inspection was conducted by the Tahsildar, Vanur and it was noticed that there is an ancient temple exists in the middle of the land in question. It was also noticed that there is an age old Banian tree and need tree in the said land. It is further stated that there is no sign or symptom of any cultivation going on in the land in question for the past several years. It is also stated that in the Village records, the name of Mr. A. Sivaprakasam, Trustee of Arulmighu Pillaiyar Koil is incorporated. Further, during the process of re-survey, all the land owners have made objection to the settlement officer, but no such objection was ever made by the grand father or father of the petitioner. It is also stated that even in the Adangal extract and other records the name of the great grand father of the petitioner was not incorporated at any point of time.

5. In the light of the above submission of the learned Government Advocate on the basis of the communication dated 05.11.2016 of the Tahsildar, Vanur coupled with the fact that the petitioner has not produced any document to show his right and interest over the land in question inspite of the directions issued by this Court, the relief sought for by the petitioner to direct the respondent to consider his

representation dated 16.07.2016 cannot be issued.
Accordingly, the writ petition is dismissed as devoid of
merits. No costs.

sd/
Assistant Registrar(CO)

/true copy/

Sub Assistant Registrar

rsh

To

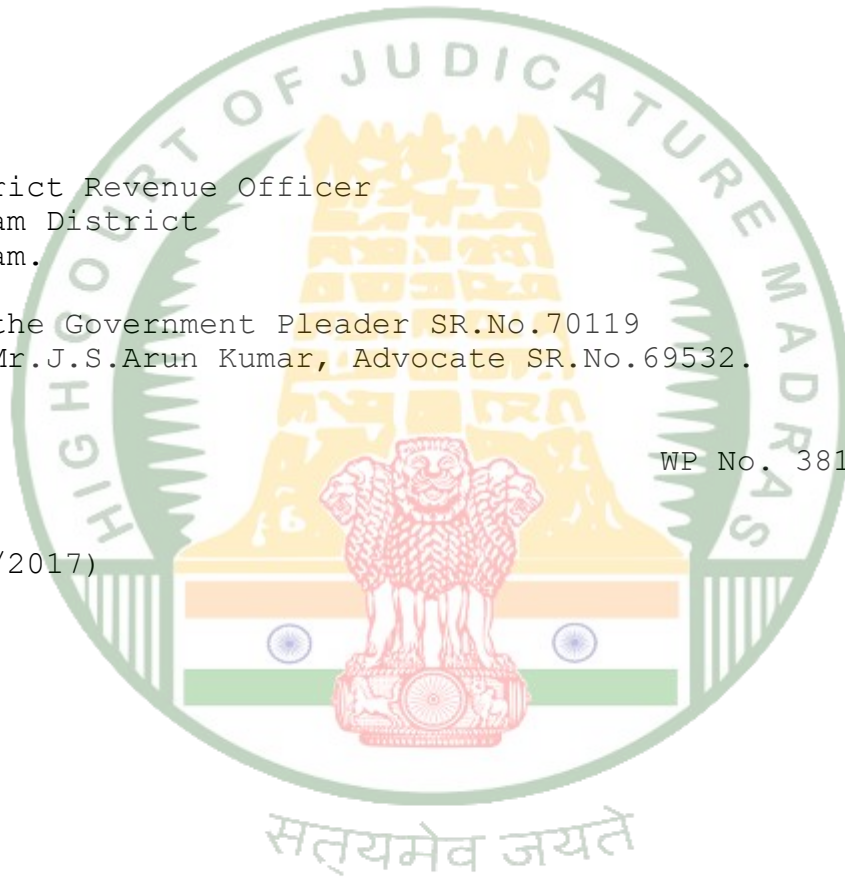
The District Revenue Officer
Villupuram District
Villupuram.

+1cc to the Government Pleader SR.No.70119

+1cc to Mr.J.S.Arun Kumar, Advocate SR.No.69532.

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PA(CO)
GN(20/01/2017)



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