

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P. No. 3893 of 2016
&
W.M.P. No. 3306 of 2016

Ms.S. Amuthalakshmi

..Petitioner

Vs.

1. The District Collector,
Thiruchirapallai District.
2. The District Revenue Officer,
Thiruchirapalli District.
3. The Revenue Divisional Officer,
Musiri Division, Musiri.
4. The Tahsildar,
Thuraiyur Taluk.
5. The Commissioner of Land
Administration,
Chepauk, Chennai - 600 005.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents herein to make necessary corrections and rectify the errors and defects in the revenue records and consequently pass appropriate final orders in respect of the representation of the petitioner dated 01.01.2016, for the property vide agriculture lands bearing S.F. No. 103/2 measuring to an extent of 0.14.50 cents situated at Murugur Village at Thuraiyur Taluk, Trichy District within a reasonable time frame as fixed by this Hon'ble Court.

For Petitioner :: Mr.Jagannath Badrinath

For Respondents :: Mr.V. Jayaprakash
Narayanan,
Special Govt. Pleader

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents herein to make necessary corrections and rectify the errors and defects in the revenue records and consequently pass appropriate final orders in respect of the representation of the petitioner dated 01.01.2016, for the property vide agriculture lands bearing S.F. No. 103/2 measuring to an extent of 0.14.50 cents situated at Murugur Village at Thuraiyur Taluk, Trichy District within a reasonable time frame.

2. The case of the petitioner is that her father, one K. Sellaiah, was performing the functions as a Hereditary Trustee and Poosari of Arulmigu Sri Ponmuthu Karuppannasamy Temple and he died intestate on 17.03.2015 leaving behind the petitioner, 2 other daughters and 2 sons as his legal heirs. According to the petitioner, the agricultural lands bearing S.F. NO. 103/2 measuring an extent of 0.14.50 cents situated at Murugur Villag at Thuraiyur Taluk is an ancestral property of her family and patta vide patta No. 1835 was standing in the name of her father. According to the petitioner, the said lands have been recorded as Punjai lands under cultivation, occupied by the petitioner's father without any objection even before 1395 pasali corresponding to the English Calendar year July 1985 to June 1986 in Punchai Tharisu in Sakupadi Adangal Records of Murugur Village. However, according to the petitioner, in the year 2005, there was an attempt on the part of Village Panchayat, Murugur, to usurp and grab vacant lands and property which were temple lands belonging to Arulmigu Sri Ponmuthu Karuppannasamy Temple bearing Survey No. 275/5 resulting in filing O.S. No. 402 of 2005 by the petitioner's father before the District Munsif court, Thuraiyur for permanent injunction and the said suit came to be decreed in favour of the petitioner's father by order dated 19.12.2007. Further, according to the petitioner, in the year 2007, on the basis of continuous possession and enjoyment, by a Special Land Assignment Scheme, 2006, of Government of Tamil Nadu, the Tahsildar, Thuraiyur, the 4th respondent herein, issued a D form in the name of her father by order dated 30.11.2007. While so, certain village records like the muchalika and classification pertaining to the property bearing Survey no. 103/2 in Murugur village were changed from Punjai lands to Anadheenam lands without even notice to the petitioner's father and her family. According to the petitioner, though she was under the mistaken notion that the lands in Survey No. 103/2 were temple lands and even made a representation dated 01.11.2015 to the respondents to change the classification as temple lands and change the patta in the name of the temple, subsequently, on verification of the actual revenue records, she was able to identify that the

lands situated in Survey No. 103/2 belong to her forefathers. The confusion had arisen as a result of the mistake committed by the respondents herein in the revenue records where the lands were made to be classified as Anadheenam Public lands. The petitioner states that in the Village and Taluk records like Adangal and A register, there is an entry as Anadheenam - Public land in respect of Survey No. 655/2, which is wrong and which needs to be rectified in the name of her father as it is seen that the old survey number corresponding to Survey No. 655/2 has been exactly mentioned as 103/2 in the adangal extract of Natham. The petitioner further states that the Natham records of the Village and Taluk in Adangal and A register manually maintained by the Taluk Office and Village Administrative Office for the agricultural lands comprised in S.F. No. 103/2, Patta No. 1835, which were possessed and enjoyed by her father Late Mr.K. Selliah have been marked as S.F. No. 655/2 for the corresponding S.F. No. 103/2 and instead of stating the owner of the land as Late Shri K. Sellaiah, the respondents have erroneously mentioned as Anadheenam. This wrong entry has to be rectified and the name of her father has to be included in the Natham registers also as there cannot be two different name entries in Natham records and Agriculture land records for the same and similar land with two different survey numbers. Further, according to the petitioner, already, a water tank and a library have been constructed without even verification of the revenue records pertaining to the said lands and the apprehension of the petitioner is that if any further construction is allowed to be put up in the said lands, then it would cause immense prejudice and irreparable damage to the lands which are owned by the petitioner thereby affecting her rights. Though the petitioner submitted a representation to the respondents to correct the error and alter the records as Grama Natham in her favour, no steps have been taken so far. Hence, the present writ petition.

3. Heard both sides.

4. Considering the above facts and circumstances and the pendency of the representation of the petitioner with regard to the relief sought, without going into the merits of the claim of the petitioner, the 4th respondent herein, namely, the Tahsildar, Thuraiyur Taluk, is directed to consider the representation of the petitioner dated 01.01.2016 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till such orders are passed, the respondents are directed to maintain status quo.

5. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Thiruchirapallai District.
2. The District Revenue Officer,
Thiruchirapalli District.
3. The Revenue Divisional Officer,
Musiri Division, Musiri.
4. The Tahsildar,
Thuraiyur Taluk.
5. The Commissioner of Land
Administration,
Chepauk, Chennai - 600 005.

+1cc to Mr.Jagannath Badrinath, Advocate, S.R.No.8079
+1cc to the Government Pleader, S.R.No.8206

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W.P. No. 3893 of 2016

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