

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7454 of 2016

A.Gajapathy

... Petitioner

Vs.

The Revenue Divisional Officer,  
Anna Salai, Tiruvannamalai.

2.The Tahsildar,  
Taluk Office, Tiruvannamalai.

3.The Village Administrative Officer,  
Cheriyanthal Village,  
Tiruvannamalai Taluk and District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the first respondent to consider and act on the representation dated 11.01.2016 given by the petitioner.

For Petitioner : Mr.RVG.Hariharabalan.

For respondents : Mr.V.Jayaprakash Narayanan,  
Spl.GP.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of mandamus to direct the first respondent to consider and act on the representation dated 11.01.2016 given by the petitioner.

3.The petitioner entered into an agreement with one Sathyaganesh in respect of part of his property, in which the petitioner was in possession. But the said Sathyaganesh created certain bogus sale agreements and deeds with the connivance of

certain others. Hence the petitioner to lodged police complaint against them on 06.05.2015.

4.The petitioner caused to issue notice to all the above stated persons and also the respondents 2 and 3 herein, requesting them not to effect any mutation in the revenue records. In the meanwhile, the petitioner filed OS.No.28 of 2015 on the file of District Judge, Tiruvannamalai for a specific prayer restraining the respondents 2 and 3 herein not to entertain any revenue records in the name of the first defendant therein.

5.On 29.05.2015, the petitioner issued notices to the District Collector, Tiruvannamalai and the Surveyor, Cheriyanthal Village Firka informing them about the filing of the above said suit.

6.The petitioner applied for online patta on 11.05.2015 and 10.07.2015 with the office of the second respondent, both the online patta copies stood in the name of said Sathyaganesh, with whom the petitioner entered into an agreement. It is also found in the A-Register and patta changed in the name of Sivagami w/o.Rajendiran, against whom the petitioner lodged criminal complaint and filed the above civil suit. Hence, the petitioner sent a representation dated 11.01.2016 to the first respondent seeking to cancel the mutation of revenue records made during the pendency of the civil suit. The first respondent after receiving the representation has not taken any action till date, hence, the petitioner approached this Court.

7.Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader who accepts notice on behalf of the respondent.

8.Considering the facts and circumstances and without going into the merits of the same, this Court directs the petitioner to submit fresh detailed representation alongwith the copy of this order before the first respondent, within two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the representation of the petitioner, on merits and in accordance with law, within a period of eight weeks, thereon, after affording opportunity of personal hearing to the petitioner as well as to the Sathyaganesh, Sivagami w/o.Rajendiran and

necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

9.The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Revenue Divisional Officer,  
Anna Salai, Tiruvannamalai.

2.The Tahsildar,  
Taluk Office, Tiruvannamalai.

3.The Village Administrative Officer,  
Cheriyanthal Village,  
Tiruvannamalai Taluk and District.

+1cc to Mr.RvG.Hariharabalan, Advocate, S.R.No.13443

+1cc to the Government Pleader, S.R.No.13211

W.P.No.7454 of 2016

svi(CO)  
srg(14/03/2016)

सत्यमेव जयते

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