

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7970 of 2016

G.N.Nissar Ahmed

..Petitioner

Vs.

1. The Collector, Erode District,
Erode.

2. The Sub Collector,
Sathy Main Road,
Gobichettipalayam,
Erode District.

3. The Tahsildar,
Sathy Main Road,
Gobichettipalayam,
Erode District.

...Respondents

Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents herein to delete the name of late Sengoda Gounder from the records maintained under the Tamil Nadu Agricultural Lands (Records of Tenancy Rights) Act, 1969 (Tamil Nadu Act 10 of 1969) in so far as it relates to Survey Nos.20/1B, 20/2, 20/3 and 22/1 covered under patta Nos.217, 218 and 325 in No.101, Paariyur Village, Erode District based on the petitioner's representation dated 08.02.2016 made to the second respondent herein, after following the procedure contemplated under Rule 11 of the Tamil Nadu Agricultural Lands (Records of Tenancy Rights) Rules, 1969.

For Petitioner : Mr.A.Devnarendran

For Respondents : Mr.S.V.Durai Solaimalai, AGP.

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 directing the

respondents herein to delete the name of late Sengoda Gounder from the records maintained under the Tamil Nadu Agricultural Lands (Records of Tenancy Rights) Act, 1969 (Tamil Nadu Act 10 of 1969) in so far as it relates to Survey Nos.20/1B, 20/2, 20/3 and 22/1 covered under patta Nos.217, 218 and 325 in No.101, Paariyur Village, Erode District based on the petitioner's representation dated 08.02.2016 made to the second respondent herein, after following the procedure contemplated under Rule 11 of the Tamil Nadu Agricultural Lands (Records of Tenancy Rights) Rules, 1969.

3.The petitioner submits that he is the joint owner of the agricultural lands comprised in S.Nos.20/1B, 20/2, 20/3 and 22/1 measuring Hectares 2.95.0 in No.101, Paariyur Village, Erode District. The said lands were settled in favour of the petitioner's forefathers and patta was issued in favour of them, covered under patta No.217 and 218 and 325. The petitioner's land also reflected in the "A" Register and other revenue records. The petitioner paid the land taxes till date and no dispute with regard to the title over the ownership of lands.

4.The aforesaid lands were leased out to one Sengoda Gounder in the year 1978, who was cultivating tenant as per the definition of Tamil Nadu Cultivating Tenants Protection Act, 1955. The said Sengoda Gounder died on 12.09.1995. The said lands were encroached by third parties who were not legal heirs of Sengoda Gounder. The petitioner submits after the death of Sengoda Gounder, the petitioner neither appointed any person as a cultivating tenant nor the tenancy was renewed thereafter.

5.The name of late Sengoda Gounder continued to be shown in the approved records to tenancy rights. Hence, the petitioner gave his representations to the 3rd respondent, who is the record officer to delete the name of Sengoda Gounder from the records. On 07.01.2014, the petitioner gave representation to the 3rd respondent herein to take action against the encroachers and retrieve the said lands, but without conducting any enquiry, the third respondent sent a action taken report to the second respondent. Again, on 27.10.2015 the petitioner gave another representation to the 3rd respondent to delete the name of the Sengoda Gounder and record his name as a dead person. The third respondent and the Revenue Inspector conducted enquiries and gave a report to the 3rd respondent stating that the cultivating tenant i.e, Sengoda Gounder died on 12.09.1995 and the land owners had neither appointed any person as a cultivating tenant nor the tenancy was renewed. The said report was forwarded to the second respondent. Thereafter, the petitioner sent his reminder on 08.02.2016 to the second respondent requesting him to delete the name of the late Sengoda Gounder, however, no action has been taken till date, hence, the petitioner filed the present writ petition.

6. Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader who accepts notice on behalf of the respondents.

7. Considering the facts and circumstances and without going into the merits of the same, this Court directs the second respondent to conduct enquiry on the petitioner's reminder/representation dated 08.02.2016, for deleting the name of Sengoda Gounder from the approved records of tenancy rights, on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner 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.

8. The writ petition is disposed of accordingly. No costs.
tsh

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

1. The Collector, Erode District,
Erode.
2. The Sub Collector,
Sathy Main Road,
Gobichettipalayam,
Erode District.
3. The Tahsildar,
Sathy main road,
Gobichettipalayam,
Erode District.

+ 1 CC TO Mr. A. Devnarendran, ADVOCATE SR 14452

+ 1 CC TO THE GOVT. PLEADER, SR 14029

KR/18/3/16

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